

## Closed Caption Log, Council Meeting, 01/26/06

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MAYOR PRO TEM, DANNY THOMAS, DISTINGUISHED EXECUTIVE OF THE CITY OF AUSTIN, DISTINGUISHED MEMBERS OF THE HOUSE, I BRING YOU SALUTATIONS FROM THE STATES OF NIGERIA. I WAS HAPPY THAT IN THE YEAR 2002 DANNY THOMAS LED A DELIGATION OF DISTINGUISHED MEN AND WOMEN FROM HERE TO NIGERIA. IT WAS THE FIRST TIME FOR THEM TO BE IN THAT PART OF AFRICA. I WAS ORGANIZING SECRETARY OF THAT ORGANIZATION. WE ORGANIZED EVERYTHING. WE DECIDED IT WAS NOT FAIR. AND THROUGH THE DIRECTION OF DANNY THOMAS, EVERYTHING PULLED OUT TRUE WITH RESOUNDING SUCCESS. MY PEOPLE ARE VERY HAPPY THAT AUSTIN CITY HAS DECIDED TO HELP IN ESTABLISHING THAT RELATIONSHIP, A BILATERAL RELATIONSHIP BETWEEN AUSTIN. GRATEFUL FOR THIS NEW DEVELOPMENT AND WE HOPE THAT OUR RELATIONSHIP WILL CONTINUE TO GROW FROM STRENGTH. WE HAVE BEEN VERY ANXIOUS TO PAY OUR VISIT TO AUSTIN. UNFORTUNATELY THE EMBASSY OF AMERICA IN NIGERIA MADE IT DIFFICULT FOR US TO GET THAT APPROPRIATE VISA. WE HOPE THAT MAYBE SOME OTHER TIME WE SUCCEED IN PRESENTING THEM WITH THE VISA THE NUMBER OF PEOPLE THAT WILL VISIT TO THE GREAT AUSTIN CITY. WE ARE WELCOME FOR THE ASSISTANCE, FOR THE COOPERATION, FOR THE NEW RELATIONSHIP ESTABLISHED. ONCE MORE ON BEHALF OF MY PEOPLE AND MYSELF, I THANK YOU DANNY THOMAS. I THANK ALL MEMBERS OF THE HOUSE HERE AND THE

DISTINGUISHED EXECUTIVES, THANK YOU VERY MUCH.

Thomas: [ APPLAUSE ]

Thomas: THANK YOU. NOW WE'LL GO INTO OUR CHANGES AND CORRECTIONS. ON ITEM NUMBER 9 IT WILL BE POSTPONED UNTIL FEBRUARY THE 2ND, 2006. ITEM 15, NEED TO STRIKE OUT AND PUT AUTHORIZED FOR THE EXECUTION, PUT NEGOTIATION ON ITEM 15. ITEM 28 WILL BE POSTPONED UNTIL FEBRUARY 9th, 2006. ITEM 29 WILL BE POSTPONED UNTIL FEBRUARY 9th, 2006. ITEM 46 YOU NEED TO ADD DOWN IN THE MIDDLE OF IT SAYS AN AMOUNT NOT -- AN AMOUNT NOT TO EXCEED 226,380. ITEM NUMBER 49, NEED TO SCRATCH OUT WHERE IT SAYS APPROVING ORDINANCE WAIVING, AND SCRATCH OUT APPROVING ORDINANCE WAIVING, PUT WAIVER OF A CERTAIN ROOM AND FACILITY. ITEM NUMBER 50, NEED TO ADD "AND FEES" IN ITEM NUMBER 50. ITEM NUMBER 59 NEEDS TO BE POSTPONED UNTIL FEBRUARY 16th, 2006. AND THEN Z-5, THAT NEEDS TO SCRATCH OUT TO CONSIDER, AND DECEMBER 13th OF 2005 AND ADD PLANNING COMMISSION RECOMMENDATION TO PROVE RESTRICTED COVENANT AMENDMENT. Z-6, NEED TO SCRATCH OUT ALSO TO BE CONSIDERED ON DECEMBER 13th, OF 2005 AND PUT IN PLANNING COMMISSION RECOMMENDATION TO PROVE THE RESTRICTIVE COVENANT AMENDMENT. THERE'S NO OTHER CORRECTIONS? THEN WE NEED TO GO TO -- THERE WILL BE CITIZENS COMMUNICATION AT 12 P.M. 4 P.M. DEALING WITH THE ZONING HEARINGS AND THE APPROVING OF ORDINANCE AND RESTRICTIVE COVENANTS, ITEM 60 THROUGH 66. AND Z-1 THROUGH Z-15, STAFF WILL BE DOING A PRESENTATION TO THE FOLLOWING -- FOLLOWING ITEMS. ITEMS 60 THROUGH 61, THE EAST 5th STREET AND ALLEN STREET. AND TO FEBRUARY THE 9th, ITEM 66, WHICH IS 1109 SOUTH LAMAR, POSTPONEMENT UNTIL FEBRUARY 9th OF 2006. Z-5, BRADFIELD TO BE POSTPONED UNTIL APRIL 6th, 2006. Z-6, WHICH WILL BE THE MARTIN ZONING TO FEBRUARY 16th 2006. Z-7 WILL BE THE AMJRH ZONING UNTIL FEBRUARY 16th, 2006. Z-8, I'M SORRY, TIME ISSUANCE WILL BE MARCH 12th, 2006. Z-15 IS THE POWERS 20 TO MARCH 20th, 2006, WHICH WE WILL ALL DEAL WITH AND AT 4 O'CLOCK AT THE ZONING CASES. AT 5:30 WE WILL HAVE LIVE MUSIC AND PROCLAMATIONS AND THEN ALSO AT 6 P.M. WE WILL HAVE

PUBLIC HEARING AND POSSIBLE ACTION ON ITEM 67 THROUGH 69. THERE WILL BE ITEMS 45 WILL BE PULLED BY COUNCILMEMBER RAUL ALVAREZ AND ITEMS 51 PULLED BY COUNCILMEMBER RAUL ALVAREZ. ANYONE ELSE WANT TO PULL ANY ITEMS BEFORE WE GET INTO THE CONSENT AGENDA? GOING ONCE, GOING TWICE. ALL RIGHT, WE GO TO THE CONSENT AGENDA THEN. JUST A SECOND. ALL RIGHT. THE CONSENT AGENDA WILL BE ITEMS 1, ITEMS 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, WHICH WAS POSTPONED, IS THAT, RIGHT MISS -- POSTPONED ON MARCH -- I MEAN FEBRUARY 9th, 2006, AND ALSO ITEM 29 IS FEBRUARY 9th, 2006. 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 46, WITH THE CHANGES WE SAID EARLIER. 47, 48, WHICH WOULD BE THE BOARD AND COMMISSIONS WHICH I WILL READ INTO THE RECORD. WHICH WE HAVE ONLY TWO WHICH WOULD BE THE HOUSING AUTHORITY WHICH WILL BE CHARLES BRATLEY WHICH IS MAYOR WILL WYNN'S REAPPOINTMENT. KARL RICHY, WHICH IS THE MAYOR MAYOR WINN'S REAPPOINTMENT. WE GO TO ITEM 49. ITEM 50. ITEM 52, ITEM 53, THAT'S IT, RIGHT? HOW ABOUT 59?

YES, MAYOR, IF I COULD CLARIFY A COUPLE OF THINGS, ON ITEM 9, IT IS ON CONSENT, BUT IT IS FOR POSTPONEMENT.

ITEM 9?

YES.

OKAY, CORRECTION...

AND I BELIEVE WE MIGHT HAVE MISSED ONE, THAT ITEM 44 IS ON CONSENT.

Thomas: OKAY.

THEN YOU ARE CORRECT THAT 59 IS FOR POSTPONEMENT TO FEBRUARY 16th, 2006.

OKAY. DID WE HAVE ANYONE SIGN UP ON ANY ITEMS.

ON ITEM 23 YOU HAVE A COUPLE OF SPEAKERS AND THEY

ARE BOTH FOR THE ITEM.

Thomas: THEY'RE BOTH FOR THE ITEMS AND NOT WILLING TO SPEAK? THEY DIDN'T WANT TO SPEAK, RIGHT?

THEY DO WANT TO SPEAK.

Thomas: OH, THEY DO WANT TO SPEAK. OKAY. WOULD YOU CALL THOSE TWO, BECAUSE I'M GOING TO HAVE TO GO BACK INTO THIS.

THE FIRST SPEAKER IS RICHARD TROXEL.

Thomas: IS MR. TROXEL HERE? OKAY. SECOND SPEAKER?

WILLIAM RARITY, AND HE HAS BEEN DONATED TIME BY SOL MORIARIT. IS SOL MORIARIT IN THE ROOM? SO HE HAS SIX MINUTES, MAYOR PRO TEM.

Thomas: 6 MINUTES. OKAY. WELCOME.

THANK YOU. I WOULD LIKE TO INTRODUCE MY DAUGHTER, CARRIE, WHO IS KIND ENOUGH TO DONATE HER THREE MINUTES TO ME AND I PROMISE I WON'T TAKE THE FULL SIX MINUTES. DISTINGUISHED MAYOR PRO TEM AND MEMBERS OF THE CITY COUNCIL, MY NAME IS BILL MORIARITY, AND FOR FOUR YEARS I WAS THE PROGRAM MANAGER OF THE AUSTIN CLEAN WATER PROGRAM. LAST NOVEMBER I WAS FIRED BY THE CITY MANAGER FOR, AMONG OTHER REASONS, AN ALLEGED ETHICS VIOLATION GENERATED BY A GROUP OF HIGH-PAID LOBBYISTS REPRESENTING ENGINEERING FIRMS THAT WERE UNHAPPY WITH ME BECAUSE I HAD PARTICIPATED IN RIGOROUS VALUE-ENGINEERING ON PROJECTS THEY HAD AUTHORED THAT RESULTED IN THEIR FEES BEING REDUCED. THE LOBBYISTS WERE ALL PERSONAL FRIENDS OF THE CITY MANAGER. THE INVESTIGATION WHICH LED TO THE ETHICS CHARGE WAS CONDUCTED BY A CRONEY OF THE CITY MANAGER UNDER A CONTRACT NOT APPROVED BY THIS CITY COUNCIL. THE RESULTS OF WHICH SHE, THE CITY MANAGER, REFUSES TO RELEASE TO ME, THE MEDIA, OR PUBLIC. -- OR THE PUBLIC T AUSTIN CLEAN WATER PROGRAM WAS CONSIDERED A MODEL PROGRAM BY THE E.P.A. AND WAS CONSIDERABLY

AHEAD OF THE E.P.A. MANDATED SCHEDULE. EVERYONE AGREED I HAD PERFORMED AN EXCELLENT JOB. BEFORE AND AFTER MY DISMISSAL BY THE CITY MANAGER, I REQUESTED REPEATEDLY THAT I BE GIVEN A HEARING BEFORE AN IMPARTIAL MEDIATOR TO RESOLVE ANY ISSUES BETWEEN MYSELF AND THE CITY AND REPEATEDLY THIS SIMPLE REQUEST WAS DENIED BY THE CITY MANAGER WITHOUT EXPLANATION. THE REASON THE CITY MANAGER REFUSES TO GRANT ME A HEARING IS THAT SHE KNOWS THAT I VERY LIKELY WOULD PREVAIL. THAT WOULD DISAPPOINT HER FRIENDS, THE LOBBYISTS. THE ONLY REMEDY AVAILABLE TO ME WAS TO SEEK JUSTICE THROUGH THE STATE DISTRICT COURT AND ON DECEMBER 28th, 2005, I FILED A LAWSUIT AGAINST THE CITY MANAGER IN AN EFFORT TO CLEAR MY GOOD NAME. ONE IMMEDIATE POSITIVE BENEFIT OF MY LAWSUIT IS THAT THE CITY MANAGER SUDDENLY PANICKED WITH THE INFORMATION CONTAINED IN THE LAWSUIT ABOUT SEWAGE DUMPING INTO TOWN LAKE JUMP STARTED THE DOWNTOWN TUNNEL PROJECT. TODAY IT IS EXPECTED THAT THIS COUNCIL WILL AWARD THE ENGINEERING CONTRACT TO INITIATE THIS LONG-NEEDED PROJECT. THE DOWNTOWN TUNNEL IS A PROJECT THAT I WOULD RECOMMEND THAT THE CITY UNDERTAKE SEVERAL YEARS AGO, BUT BECAUSE OF INDIFFERENCE AND LACK OF ATTENTION BY THE CITY MANAGER HAD FLOWNDERED IN THE CITY'S BLACK HOLE FOR YEARS. THIS IS ANOTHER REASON WHY THE CITY MANAGER WANTED ME FIRED. UNFORTUNATELY, BECAUSE THIS PROJECT IS NOW ONLY STARTING, IT GUARANTIES THAT THE CITY WILL SUFFER SEVERAL MORE YEARS OF RAW SEWAGE BEING DUMPED WITHIN A FEW HUNDRED FEET OF THE INTAKE OF THE GREEN DRINKING WATER TREATMENT PLANT, EXPOSING HUNDREDS OF THOUSANDS OF PEOPLE TO DREADED DISEASES CONVEYED THROUGH THE DRINKING WATER SUPPLY SUCH AS CRYPTO SPORIDIOSIS FOR YEARS TO COME. WHAT WE HAVE HERE IS A BASIC FAILURE OF COMMUNICATION. THE CITY COUNCIL HAS BEEN EITHER MISLED OR NOT PROPERLY INFORMED AS TO THE SERIOUSNESS OF THE SITUATION IN TOWN LAKE AND THE QUALITY OF THE DRINKING WATER. IT IS ASTONISHING THAT A SIMPLE TWO-PAGE NEWS RELEASE THAT I AUTHORED LAST WEEK DREW A 13 PAGE RESPONSE FROM THE CITY'S

SPIN DOCTORS DATED THIS PAST MONDAY. TO NO SURPRISE, THE 13 PAGES OF GOBBLEDYGOOK RESPONSE REplete WITH ERRORS ASSURES US ALL THAT EVERYTHING IS JUST FINE. THAT EVEN THOUGH RAW SEWAGE IS GUSHING INTO TOWN LAKE, ALARMS WILL GO OFF AND WHISTLES WILL BLOW JUST IN THE NICK OF TIME TO SHUT THAT INTAKE VALVE TO THE GREEN PLANT. IT EVEN CELEBRATES THE FACT THAT THERE ARE NO DAIRY COW FEED LOTS ON THE SHORES OF TOWN LAKE THUS ENSURING OUR SAFETY FROM THE BOVINE VERSION OF CRYPTO. THE AUTHOR SUGGESTS THE MILWAUKEE CRYPTO SPORIDIUM OUTBREAK WAS THE RESULT OF PASTORAL RUNOFF. THIS IS NOT TRUE, D.N.A. ANALYSIS CONDUCTED BY THE CENTER FOR DISEASE CONTROL CONFIRMED THAT THE CULPRIT WAS RAW SEWAGE FROM HUMANS. THOSE WHO CANNOT LEARN FROM HISTORY ARE DOOMED TO REPEAT IT. THE CITY MANAGER HAS FAILED TO COME CLEAN ON THE FOLLOWING ISSUES. NUMBER ONE, THE NORTH AUSTIN INTERCEPTOR, THE 42-INCH SANITARY SEWER WHICH PARALLELS TOWN LAKE IS OVERLOADED AND CANNOT HYDRAULICALLY ACCEPT MORE FLOW. TWO, THE NORTH AUSTIN ENTER SEPTOR REGULARLY OVERFLAWS RAW SEWAGE FROM TOWN LAKE FROM SEVERAL MANHOLES ALONE CHAVEZ BETWEEN THE RAILROAD TRACKS AND THE HUMANE SOCIETY IN RESPONSE TO MODERATE RAINFALL EVENTS. ASIDE FROM THE FOURTEEN EPISODES THAT ARE CONTAINED IN CITY RECORD, THERE ARE MANY OTHERS THAT GO UNREPORTED OR THE QUANTITY OF RELEASED SEWAGE IS PURPOSELY UNDERREPORTED. FOUR, THE CITY CONTINUES TO ALLOW NEW SEWER HOOKUPS THAT NEED THE NORTH AUSTIN ENTER SEPTOR MAKING THE OVERFLOW SITUATION WORSE. FIVE, CONTINUING TO HOOK UP NEW BUILDINGS TO AN ALREADY OVERLOADED SEWER IS A VIOLATION OF FEDERAL LAW. THAT BEING THE CLEAN WATER ACT. CONTINUING TO HOOK UP NEW BUILDINGS TO AN ALREADY OVERLOADED SEWER IS A VIOLATION OF THE CITY'S STATE ISSUED TPDES PERMIT. 7, BECAUSE OF THE CITY MANAGER'S LACK OF ATTENTION, THE CITY IS EXPOSING WATER CONSUMERS TO A POTENTIALLY DEADLY DISEASE.

FINISH IT UP, PLEASE.

IS THAT SIX MINUTES.

YOUR TIME IS UP.

CAN I FINISH UP REAL QUICK.

JUST A LINE SIR.

THE CITY ADMITS THE TAINTED WATER CAN REACH THE GREEN PLANT. CHLORINE DOES NOT WORK ON CRYPTO AND IMMEDIATELY KNOW CROWDIFIED PATIENTS ARE THE MOST VULNERABLE. I DROPPED OFF TO EACH MEMBER OF THE CITY COUNCIL A DVD ENTITLED TROUBLED WATERS IN TOWN LAKE, I WOULD ENCOURAGE YOU TO LOOK AT THAT AND SEE WHAT ANOTHER CITY DID WITH A SERIOUS CRYPTO SPORIDIUM OUTBREAK IN THIS COUNTRY.

Thomas: THANK YOU, SIR.

THANK YOU.

MAYOR, MAY I?

YEAH, YOU CAN.

I WOULD LIKE TO RESPOND TO A COUPLE OF POINTS TO CLARIFY FOR THE AUDIENCE. MR. MORIARITY WAS NEVER AN EMPLOYEE OF THE CITY OF AUSTIN WHERE HE WAS IN A POSITION TO BE DISMISSED OR FIRED SO THE CITY MANAGER DID NOT DISMISS OR FIRE MR. MORIARITY. WITH RESPECT TO THE ISSUES THAT WERE RAISED IN TERMS OF THE RAW SEWAGE, ALL OF THOSE CONCERNS HAVE BEEN SHARED WITH TCEQ AND E.P.A. AND THEY HAVE ASSURED US AND THEY ARE READY TO ASSURE THE CITIZENS OF THIS COMMUNITY THAT THE CITY OF AUSTIN WATER UTILITY IS DOING EVERYTHING IT NEEDS TO BE DOING IN COMPLIANCE IF NOT EXCEEDING THE STANDARDS, AND FINALLY WITH RESPECT TO ANY DELAYS ON THIS PROJECT, WE STILL BELIEVE THAT WITH THE APPROVAL OF THE ITEM BEFORE YOU TODAY THAT WE WILL STILL BE ABLE TO COMPLETE THE PROJECT AS ORIGINALLY RECOMMENDED BY CITY STAFF AS WELL AS EARTH TECH WHICH INCLUDED MR. MORIARITY AND WE BELIEVE WE CAN COMPLETE THAT PROJECT BY THE END

OF 2010. AND IF THERE WERE ANY DELAYS ASSOCIATED WITH THAT WITHIN THE LAST YEAR, THERE WERE ATTRIBUTED PRIMARILY TO INVESTIGATING CONCERNS AND ALLEGATIONS THAT WERE BROUGHT TO OUR ATTENTION AND WE DID NOT WANT TO MOVE FORWARD UNTIL THOSE ISSUES HAD BEEN ADDRESSED.

Thomas: THANK YOU. CITY MANAGER, DO YOU HAVE SOMETHING TO SAY?

COUNCIL, I JUST WANT TO BE AVAILABLE TO ANSWER QUESTIONS THAT YOU MIGHT HAVE. AS YOU KNOW, WE DO HAVE A VERY EXTENSIVE RESPONSE TO ALLEGATIONS OF OUR DRINKING WATER QUALITY THAT WE'VE GIVEN YOU IN WRITING, AND SO WE'RE HERE TO ANSWER ANY OF THOSE QUESTIONS FOR YOU. WE CLEARLY TAKE THOSE KIND OF ALLEGATIONS VERY SERIOUSLY, WHICH IS WHY YOU GOT A VERY EXTENSIVE RESPONSE. WE DON'T WANT ANYONE IN OUR COMMUNITY TO BELIEVE THAT THE CITY DOESN'T DO EVERYTHING POSSIBLE AND THAT WE PROVIDE THE VERY BEST WATER QUALITY FOR OUR CITIZENS.

Thomas: ANY QUESTIONS FROM THE COUNCIL? COUNCILMEMBER ALVAREZ?

Alvarez: YEAH, ACTUALLY INFORMATION THAT HAS BEEN PROVIDED HAS BEEN VERY HELPFUL IN TERMS OF THOSE ISSUES THAT MR. MORIARITY HAS RAISED. I WAS WONDERING IF WE COULD GET A SHORT PRESENTATION ON WHAT THIS PROJECT IS, WHAT IT DOES, AND WHAT AREAS OF TOWN BENEFIT. I KNOW THERE WAS AN ARTICLE IN THE PAPER, YOU KNOW, ABOUT THE PROJECT AND HOW IT WOULD BENEFIT DOWNTOWN AND I THINK IT MENTIONED SOUTH OF TOWN LAKE ALSO, BUT I WAS ACTUALLY CURIOUS ABOUT WHETHER ANY OF THE PROJECTS THAT ARE OCCURRING JUST EAST OF IH-35 LIKE IN THE SALTILLO DISTRICT WOULD ALSO BENEFIT OR BE AFFECTED BY THIS, SO I DON'T KNOW IF MR. CANTU OR OTHER STAFF MEMBERS COULD JUST ADDRESS THAT ISSUE SO THAT --

YES, ABSOLUTELY, REN REYNALDO.

ABSOLUTELY, IN THE MEMORANDUM WE GAVE YOU, WE

GAVE YOU A NUMBER OF ATTACHMENTS, ONE OF WHICH, ATTACHMENT B, GIVES YOU AN ENTIRE HISTORY OF THE DOWNTOWN TUNNEL PROJECT WHICH STARTED BEFORE THE CLEAN WATER PROGRAM DID. AS WELL AS HOW IT CHANGED IN ORDER TO ACCOMMODATE AND HELP WITH SOME NEW PROBLEMS THAT WE HAD THAT COME UP AS PART OF THE CLEAN WATER PROGRAM, REYNALDO?

THAT IS CORRECT. WE'RE TRYING TO GET THE GRAPHIC UP HERE ON THE ALIGNMENT OF THE DOWNTOWN TUNNEL SO THAT WE CAN SHOW YOU HOW IT'S AVOIDING THOSE AREAS IN EAST AUSTIN THAT WOULD THEN HAVE CONSTRUCTION OCCURRING. ONE OF THE MAIN BENEFITS OF THE ALIGNMENT, AND IF YOU COULD GO OVER TO THE RIGHT A LITTLE BIT MORE, THERE YOU GO, A LITTLE BIT MORE. YOU SEE WHERE IH-35 IS RIGHT THERE. THE ALIGNMENT IS TAKING IT ALONG THE SHORES OF TOWN LAKE. THAT IS ADJACENT TO THE ALIGNMENT OF THE PRESENT NORTH AUSTIN OUTFALL. WE ALSO HAVE SOME MAJOR ENTER SEPTORS THAT RUN ALONG HOLLY, 30-INCH ENTER SEPTORS, BY DISIENG AND BUILDING THIS TUNNEL, WE ARE NOT HAVING TO UPSIZE SHOWS ENTER SEPTORS WHICH WOULD GREATLY DISRUPT TRAFFIC IN THE AREA AND BE AN INCONVENIENCE TO THE CITIZEN, SO THIS ALIGNMENT BENEFITS THAT AREA IN THAT IT'S ADDRESSING THE CAPACITY NEEDS BUT ALSO NOT IMPACTING THE AREA WITH FUTURE CONSTRUCTION. THE INITIAL INTENT OF THE DOWNTOWN TUNNEL WAS TO LOOK AT THE AREAS NORTH OF THE RIVER. WE HAVE AN AGING LIFT STATION, THE SHOAL CREEK LIFT STATION WHICH DURING WET WEATHER EVENTS DOES HAVE SOME PROBLEMS AND THIS DOWNTOWN TUNNEL WILL ABANDON THAT SHOAL CREEK LIFT STATION. BY ABANDONING THAT LIFT STATION AND DIVERTING THE FLOWS INTO THE DOWNTOWN TUNNEL, THAT NORTH AUSTIN INTERCEPTOR NOW HAS CAPACITY TO HANDLE THE GROWTH IN THAT AREA NORTH OF THE RIVER. WE'VE ALSO DONE EXTENSIVE FLOW MONITORING SOUTH OF THE RIVER TO SEE HOW THE INFILL THAT HAS OCCURRED THERE HAS TAKEN UP CAPACITY IN THE SYSTEM. BY 2010 WE ANTICIPATE THAT THE SOUTH AUSTIN OUT FLOW WILL REACH CAPACITY. THE ALIGNMENT OF THE TUNNEL WEST F. WE CAN PAN TO THE WEST IN THE GRAPHIC, THE ALIGNMENT

TO THE WEST ALLOWS US TO ALSO FLOW THE SOUTH AUSTIN OUTFLOW INTO THIS TUNNEL AGAIN ALLOWING ADDITIONAL CAPACITY, AS PART OF THE BARTON CREEK LIFT STATION RELEASE WE'RE HAVING TO INSTALL AN INTERIM LIFT STATION. ONCE THIS TUNNEL IS IN PLACE WE WILL BE ABLE TO ABANDON THE INTERIM LIFT STATION AND THEN ALL OF THAT SYSTEM WILL BE CONNECTED THROUGH TUNNELS AND THEREBY RELIEVING CAPACITY NEEDS AND ALSO RELIEVING THAT AGING LIFT STATION THAT IS JUST ON THE SHORES OF BARTON SPRINGS.

SO BEGINNING IN THE SPRING OR 1999 AND TODAY BROUGHT FORWARD WITH YOU TO BEGIN AND COMPLETED BY 2010...

THAT'S CORRECT.

... YOU HAVE A VERY DETAILED HISTORY OF THE TUNNEL INCLUDING CHANGES, ALTERATIONS THAT WERE MADE TO INCORPORATE A SECOND PROJECT TO SOLVE TWO PROBLEMS WITH THE SINGLE SOLUTION?

NOW, THIS WAS NOT THE PROJECT THAT WOULD ORIGINALLY GO THROUGH THE MEXICAN-AMERICAN CULTURAL CENTER SIDE OR WAS THAT A WATER --

ONE OF THE PROPOSED ALIGNMENTS, THE PRELIMINARY DESIGN THAT WAS BEING PROPOSED DID TAKE IT THROUGH THAT SITE.

SHOULDN'T SAY THROUGH IT BUT --

UNDER THE SITE.

Alvarez: SIGNIFICANTLY UNDERGROUND BELOW...

RIGHT.

AND IN ORDER TO FINALIZE THE ALIGNMENT WE SAT DOWN WITH THE PROJECT DESIGNERS AND IT WAS DETERMINED THAT THE PIERS FOR THE BUILDING WOULD IMPACT THE TUNNEL LOCATION THAT WAS BEING PROPOSED. THERE'S BEEN A LOT OF COORDINATION THAT HAS BEEN DONE. WE

HAVE ATTEMPTED TO KEEP THIS TUNNEL AND RIGHT OF WAY TO MINIMIZE ACQUISITION OF EASEMENTS WHICH WOULD TAKE A LONG TIME, SO WE HAVE DONE IT SUCH THAT THE IMPACT IS NOT THERE TO ANY PROPOSED PROJECTS OR ANY PROPOSED DEVELOPMENTS THAT ARE OCCURRING, SO THE COORDINATION ON THIS PROJECT AS WITH ALL AUSTIN CLEAN WATER PROJECTS, NOT ONLY IS WITH CITY DEPARTMENTS BUT ALSO WITH DEVELOPMENT TO MAKE SURE THAT WE'RE ADDRESSING ALL THE NEEDS, BUT ALSO MINIMIZING THE IMPACT TO THE PROJECT. SO THIS NEW ALIGNMENT THAT IS BEING PROPOSED TAKES IT WELL AWAY FROM THE MACK SIDE AND WILL NOT IMPACT THAT SITE AT ALL.

OKAY. SO THEN THAT DECISION-MAKING PROCESS HAS LED TO THIS PARTICULAR CONFIGURATION AND...

I DO HAVE TO SAY THAT WE STILL NEED TO DO FURTHER GEOTECHNICAL BORINGS ALONG THIS SIDE, THE KEY IS GOING TO BE TO GET INTO THAT ROCK STRATA THAT WILL ALLOW FOR ONE TUNNELLING MACHINE TO DO THE ENTIRE PROJECT. WE HAVE SOME GOOD ENGINEERING THUS FAR, GOOD DATA ON THE GEOTECHNICAL BUT FURTHER ANALYSIS IS REQUIRED AND THIS ALIGNMENT MIGHT HAVE TO BE TWEAKED BASED ON THE ELEVATION OF THAT ROCK. WE WANT TO BE DEEP ENOUGH SO THAT WIRE WE'RE TOTALLY IN RORKS IF WE GET UP INTO THE ELUVIAL STRATA WE MIGHT END UP WITH SOME PROBLEMS. WITH THESE FUNDS THAT YOU APPROVE FOR THE MOVE FORWARD OF DESIGN WE WILL THEN FINE TUNE THE A ALIGNMENT AND IF NECESSARY COME BACK TO YOU AND PRESENT ANY CHANGES THAT OCCUR.

OKAY. THANK YOU, MR. CANTU, AND MADAM CITY MANAGER, MAYOR PRO TEM, THAT'S ALL THE QUESTIONS I HAVE.

DO WE HAVE JANE? JANE, ARE YOU HERE? I JUST THINK BECAUSE IT IS SO IMPERATIVE WHEN PEOPLE MAKE ALLEGATIONS ABOUT THE QUALITY OF THE DRINKING WATER IN AUSTIN, WHICH IS REPEATEDLY RATED AS EXCEPTIONAL, THAT WE RESPOND TO THOSE ALLEGATIONS AND WE RESPOND VERY PUBLICLY, SO JANE, COULD YOU JUST TALK AND SPEAK TO HOW THE GREEN WATER TREATMENT PLANT

WORKS, WHAT HAPPENS DURING THE COURSE OF A RAIN, AND SHOULD THERE BE A SPILL WHAT THE PRECAUTIONS ARE? JUST WALK THROUGH THE ISSUES THAT WE HEARD WITH MR. P MORIARITY.

Thomas: BEFORE YOU GET STARTED, BRIEF AS POSSIBLE, THEN WE'RE GOING MOVE OFF OF THIS. LET ME SAY THIS, MR. MORIARITY CAME UP AND SAID SOME THINGS WHICH EVERYBODY HAS FREEDOM TO SAY BUT WE AS A CITY HAS TO RESPOND TO SOME OF THE ALLEGATIONS THAT -- HE HAS HIS RIGHT TO SPEAK, BUT THERE ARE SOME ALLEGATIONS THERE, THAT'S WHY I ASKED THE CITY MANAGER TO SPEAK AND ASK THE COUNCIL IF THEY WANT TO RESPOND TO ANYTHING. JUST MAKE IT BRIEF AS POSSIBLE, BECAUSE A LOT OF THIS IS GOING TO END UP WHERE IT SHOULD BE IN COURT SO...

AND NOT SPEAKING TO ANY OF THE LEGAL ISSUES.

Thomas: RIGHT.

WE SIMPLY WANT TO TALK HERE TO ANY CONCERNS OR FEAR ABOUT THE QUALITY OF DRINKING WATER AND HOW THE CITY RESPONDS.

ALL THREE OF OUR WATER TREATMENTS HAVE EXCEPTIONAL WATER QUALITY AND THEY ALL HAVE VERY SIMILAR TREATMENT PRACTICES BECAUSE THEY'RE ALL THREE FROM A SURFACE WATER SOURCE. ALL THE WATER THAT COMES IN IS SCREENED TO REMOVE LARGE PARTICLES. WE ADD CHLORINE AS A PRIMARY DISINFECTANT FOR VIRUSES AND BACTERIAL KILL. WHEN IT ARRIVES AT THE PLANT, IT ALSO HAS AMMONIA ADDED TO STABILIZE IT TO MAKE CLOROMINE AS THE WATER COMES IN, WE ADD LIME AND SULPHATE TO COAGULATE. LIME IS FOR SOFTENING, SULPHATE WILL DESTABILIZE THE PARTICLES, IN THE MIXING PROCESS THE PARTICLES WILL STICK TOGETHER, GET LARGER AND IN THE SETTLE PROCESS WILL SETTLE OUT. DURING THAT PROCESS WE ACTUALLY GET, AND ITS GOING TO BE A TECHNO GEEK TERM, A HALF LOG REMOVAL FOR THE CRYPTO SPORIDIUM THAT WE USE. YOU GET PARTIAL REMOVAL THERE. FROM THERE IT GOES TO BE FILTERED. WE HAVE 17 FILTERS AT THE GREEN WATER

TREATMENT PLANT. EACH ONE WITH ONLINE MONITORING FOR TURBIDITY. HOURS OF RUN TIME, SO WE KNOW WHEN IT'S TIME TO BACK WASH A FILTER. THE SIGNIFICANCE OF THIS IS SOME OF THE ISSUES ON CRYPTO SPORIDIUM THAT CAME OUT OF THE MILWAUKEE SINCE 1993 AND OUR REGULATIONS HAVE TIGHTENED ON THEN. WE ARE IN FULL COMPLIANCE WITH ALL OF THAT. UNDERSTAND THAT GREEN IS ON TOWN LAKE, TOWN LAKE WATER QUALITY DEGRADED PRETTY QUICKLY IN A RAIN EVENT BECAUSE IT'S MORE URBANIZED WATERSHED. ON TOP OF THAT, WHENEVER WE GET A RAIN EVENT, THE DEMAND ON THE SYSTEM DROPS VERY SUDDENLY AND VERY QUICKLY. IN A REVIEW OF ALL OF THE INCIDENTS, GREEN HAS BEEN TAKEN OFF LINE IN A RAIN EVENT AT THE REQUEST OF -- WE CALL IT THE SCADA OPERATOR, THEY'RE THE ONES THAT CONTROL THE DISTRIBUTION OF THE WATER IN THE SYSTEM BECAUSE THE SYSTEM BECOMES TOO FULL. THE GREEN GOES DOWN BECAUSE OF THAT OR HIGH TURBIDITY IN THE RIVER. IN OUR REVIEW OF ALL OF THE DIES AT THAT, CORRELATING THAT WITH OVERFLOWS ON THE NORTH AUSTIN TUNNEL, WE'VE BEEN DOWN AT THE GREEN WATER TREATMENT PLANT GENERALLY 6 HOURS BEFORE ANY OVERFLOW HAS OCCURRED. THE OTHER THING WE'VE IMPLEMENTED, I GUESS IT NEEDS TO BE UNDERSTOOD TOO THAT THE WATER HAS SIX HOURS OF TRAVEL TIME THROUGH THE TREATMENT PLANT, SHOULD THERE BE AN ISSUE, SOMETHING BE FOUND, WE CAN ACTUALLY DUMP THE PLANT IF WE HAVE TO. SO WE HAVE SEVERAL LAYERS OF PRECAUTIONS THAT WE HAVE THAT WE CAN FOLLOW TO ENSURE THAT WE PUT OUT THE BEST QUALITY OF WATER POSSIBLE TO THE CITIZENS OF AUSTIN. AND ALL THREE OF OUR PLANTS PUT OUT EQUAL PRODUCT OF WATER.

THERE WAS ALSO A DISCUSSION OF THE FACT THAT THERE MIGHT BE A LOWER STANDARD FOR HOW WE HANDLE GREEN BECAUSE GREEN WOULD PRIMARILY SERVE EAST.

RIGHT. RECENTLY THEY'VE ENACTED THE RULES LONG-TERM TO ENHANCE SERVICE WATER TREATMENT RULES, AND IN THAT, WHAT THEY -- WHAT WE'RE REQUIRED TO DO IS TESTING OF THE RAW WATER SUPPLY AT EACH OF OUR TREATMENT PLANTS, AND IN ADVANCE WE HAVE DONE TWO YEARS OF TESTING, TWICE A MONTH WE'VE COLLECTED THE

SAMPLES, AND BASED ON THE OCCURRENCE OF CRYPTO SPORIDIUM IN THE WATER, THEY HAVE FOUR BINS THAT THEY WOULD PLACE YOU IN. WE ARE IN THE BOTTOM-MOST BIN AT ALL THREE OF OUR TREATMENT PLANTS INCLUDING THE GREEN WATER TREATMENT PLANT. WE'RE TEN FOLD BELOW THE TRIGGER THAT WOULD SEND US INTO THE NEXT BIN THAT WOULD REQUIRE A FURTHER LEVEL OF TREATMENT FOR INACTIVATION OF CRYPTO SPORIDIUM AND THAT IS BECAUSE THE PRESENCE IN OUR WATER IS INSIGNIFICANT. IT'S VERY, VERY LOW.

AND GREEN TREATMENT PLANT DOES NOT SERVE ONLY EAST AUSTIN, IT SERVES S CITY HALL,.

THE HEADQUARTERS OF AUSTIN UTILITY WHERE ALL THE WATER EMPLOYEES ARE HEADQUARTERED.

WE HAVE A LOT OF FLEXIBILITY IN OUR SYSTEM. IN FACT THE 72-INCH RAW -- THE 72-INCH TREATED WATER LINE NOW PROVIDES WATER NORTH OF THE RIVER AND IT FEEDS INTO THE 66-INCH LINE JUST OUT THERE AT GUADALUPE AND SECOND STREET. SO IT PROVIDES QUITE A BIT OF THE WATER EAST OF AUSTIN AS WELL, SO WHEN YOU GET TO EAST AUSTIN YOU PROBABLY GOT A GREATER MIX OF WATER OUT THERE BETWEEN GREEN AND ULLRICH AND EVEN DAVIS.

THANK YOU.

Thomas: ANY OTHER QUESTIONS? IF NOT, WE WILL GO TO -- I NEED A MOTION FOR THE CONSENT AGENDA. APPROVED BY COUNCILMEMBER ALVAREZ, SECONDED BY COUNCILMEMBER DUNKERLY. ANY QUESTION? ANY OTHER DISCUSSION? ALL IN FAVOR LET US SAY AYE.

AYE CAN.

Thomas: OPPOSED? MOTION CARRIES. AT THIS TIME WE WILL THANK STAFF FOR WAITING, ALL THAT CAN LEAVE, AND THE ONES THAT HAVE TO STAY ON, WE'RE GOING TO GO WITH ITEM 45 WITH COUNCILMEMBER ALVAREZ PULLED ITEM 45. COUNCILMEMBER ALVAREZ?

Alvarez: THANK YOU, MAYOR PRO TEM, AND REALLY I JUST WANTED TO SEE IF WE COULD GET A BRIEF REPORT ON WHAT THIS ITEM -- OR WHAT THIS CONTRACT IS FOR SPECIFICALLY AND HAD A COUPLE OF QUESTIONS ABOUT WHAT THE END RESULTTOR -- WOULD BE, WHAT SPECIFICALLY WE WOULD SEE, I GUESS, WHEN ALL WAS SAID AND DONE AND THIS CONTRACT WAS COMPLETED.

YES, GOOD MORNING, MAYOR PRO TEM AND COUNCIL, I'M KELLY WEISS WITH NAIND HOUSING AND COMMUNITY DEVELOPMENT AND AUSTIN HOUSING FINANCE CORPORATION. OUR DIRECTOR, PAUL HILGERS IS NOT HERE TODAY, HE'S IN WASHINGTON, SO I WILL BE RESPONDING TO YOUR QUESTIONS. I'VE ALSO ASKED STAFF, STEVE BARNEY AND GEORGE ADAMS WITH NEIGHBORHOOD PLANNING AND ZONING TO FILL IN SOME OF THE SPECIFIC QUESTIONS IF YOU HAVE THOSE AS WELL, PRIMARILY THE CONSULTANT WAS ASKED TO ESTIMATE DEVELOPMENT COSTS AND PRODUCE UNIT YIELD SCENARIOS FOR THE TOD'S. PER THE ORDINANCE THAT WAS ADOPTED, WE FELT THOSE TASKS COULD BE MOST EFFECTIVELY COMPLETED AND PERFORMED BY THE CONSULTING FIRM. THIS CONSULTANT WILL ALSO PROVIDE PRO FORMA FINANCIAL FORECASTING TO CALCULATE THE COST OF VARIOUS AFFORDABLE HOUSING SCENARIOS AND PROJECT THAT FINANCING GAP THIRDLY, IT WAS DETERMINED THAT SEEKING A NEUTRAL THIRD PARTY WOULD BE BENEFICIAL TO THE TOD PROCESS. THE CONSULTANT THAT WAS SELECTED IS A NATIONALLY RECOGNIZED FIRM AND IT'S CAPABLE OF PROVIDING THAT TYPE OF FINANCIAL FORECASTING. STAFF'S ROLE, WHICH WILL BE WORKING VERY CLOSE CLOSELY WITH THE CONSULTANT WILL BE TO PROVIDE THAT DAK GROUND INFORMATION NECESSARY, FOR INSTANCE DEMOGRAPHIC TRENDS, HOUSING STATISTICS AND THE MAPPING WILL ALL BE PERFORMED BY STAFF.

OKAY, I GUESS I WAS -- BECAUSE THE SPECIFIC CONTRACT WOULD BE TO DEVELOP STRATEGIES FOR MEETING AFFORDABLE HOUSING GOALS IN THE TOD DISTRICTS, IS THAT -- DOES THAT SUM IT UP AT ALL?

YES.

Alvarez: I GUESS I WAS JUST WONDERING HOW THIS MIGHT DIFFER FROM WHAT MAYBE ALREADY, YOU KNOW, IS UNDERWAY. I KNOW CAPITAL METRO HAS HIRED A COMPANY TO DO AN ECONOMIC ANALYSIS OF THE VARIOUS OPTIONS ON THE SALTILLO DISTRICT, SO I'M SIGNED OF CURIOUS ABOUT WHETHER SALTILLO IS LEFT OUT OF THIS OR NOT, AND THEN -- AND I GUESS I'M WONDERING THAT WE'VE HAD A LOT OF CONVERSATIONS ABOUT, YOU KNOW, HOW TO PROMOTE THE DEVELOPMENT OF AFFORDABLE HOUSING, YOU KNOW, AND EVEN SOME VERY FRUITFUL CONVERSATIONS WITH THE FOLKS ABOUT MUELLER AND THE DIFFERENT STRATEGIES WE COULD USE THERE, SO I'M WONDERING WHY WITH ALL OF THAT KNOWLEDGE WE HAVE WE COULDN'T DO THIS IN HOUSE OR DO IT OURSELVES AND INSTEAD OF SPENDING, YOU KNOW, \$66,000 TO BRING SOMEBODY ON THAT'S GOING TO TELL US THAT WE NEED TO INVEST PUBLIC FUNDS TO INCREASE THE AMOUNT OF AFFORDABLE HOUSING THAT IS GOING TO BE PROVIDED WHICH, I MEAN I JUST THINK IS A NATURAL CONCLUSION, BUT I'M NOT SURE WHY WE NEED SOMEONE TO TELL US IT'S GOING TO TAKE PUBLIC DOLLARS TO GET MORE AFFORDABLE HOUSING, BECAUSE I MEAN I THINK WE'VE BEEN TALKING ABOUT IT WITH REGARD TO TOD AND OTHER - - AND IN OTHER SCENARIOS, BUT I WAS JUST CURIOUS ABOUT WHAT NEW INFORMATION THAT WE DON'T HAVE OR IDEAS THAT WE HAVEN'T DISCUSSED MAY COME OUT OF THIS.

MY UNDERSTANDING IS THAT THE CONSULTANT WILL BE ANSWERING THE QUESTION "HOW MUCH? HOW MUCH PUBLIC FUNDING IS GOING TO TAKE TO FILL IN FOR GAP FINANCING TO ACHIEVE THOSE AFFORDABILITY LEVELS?". I GUESS, STEVE, OR GEORGE, IF YOU WOULD LIKE TO SPEAK TO SPECIFIC QUESTIONS ABOUT CAPITAL METRO AND SALTILLO, THAT MAY BE MORE APPROPRIATE.

COUNCILMEMBERS, I'M GEORGE ADAMS WITH THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT, AND COUNCILMEMBER ALVAREZ IN REGARD TO YOUR SPECIFIC QUESTION ON THE CAPITAL METRO PROJECT AT SALTILLO, WHAT WAS DONE THERE IS -- THERE WAS A -- A CONSULTANT WHO DID A MARKET ASSESSMENT FOR THE PROJECT, AND AS PART OF THAT ASSESSMENT, EXCUSE ME,

THEY LOOKED AT WHAT TYPES OF DEVELOPMENT ARE VIABLE IN THAT AREA AT THE PARTICULAR TIME THAT THE MARKET ASSESSMENT WAS DONE, SO THEY SUGGESTED A -- WHAT IS THE -- WHAT IS THE BEST DEVELOPMENT PROGRAM THERE IN TERMS OF USES, WHETHER THAT'S RESIDENTIAL USES OR RETAIL OR COMMERCIAL, THEY LOOKED AT THOSE SPECIFIC USES AND MADE RECOMMENDATIONS ON THAT. IN ADDITION, THEY LOOKED AT WHAT ARE THE FINANCIAL IMPLICATIONS OF VARIOUS LEVELS OF AFFORDABLE HOUSING ON THE PROJECT. AND SO THEY -- THEY DID TAKE A LOOK AT THAT PARTICULAR 11-ACRES AND SAY THIS IS HOW A CERTAIN PERCENTAGE OF AFFORDABLE HOUSING WOULD IMPACT THE FINANCIAL PERFORMANCE OF THIS PROJECT OR WHAT TYPE OF SUB CITY WOULD BE NEEDED REGARDLESS OF THE SOURCE WHETHER IT WAS A PUBLIC OR A PRIVATE SOURCE. BUT I GUESS THE -- PROBABLY THE CENTRAL POINT IS THAT WAS DONE FOR ONLY ONE 11-ACRE -- APPROXIMATELY 11-ACRE PARCEL OUT -- THE TOD DISTRICTS THAT WE'RE TALKING ABOUT PROBABLY SOMEWHERE IN THE NEIGHBORHOOD OF 2500 TO 3,000-ACRES TOTAL, IF YOU ADD THEM ALL TOGETHER. SO I WOULD BE GLAD TO ANSWER ANY OTHER QUESTIONS.

I THINK -- I THINK YOU'RE RIGHT, YOU KNOW, ABOUT THE -- THAT SALTILLO DISTRICT, BUT I ALSO REMEMBER IN THE LAST 6 MONTHS THAT A CAP METRO BOARD MEETING HIRING A COMPANY TO DO AN UPDATED ANALYSIS OF THE MARKET AND WHAT WOULD BE SUSTAINED, I GUESS, ON THOSE 11-ACRES. AND AGAIN I'M TRYING TO GET BACK TO, WELL, WHAT INFORMATION IS THIS GOING TO PROVIDE US THAT SOME OF THOSE THINGS THAT ARE ALREADY UNDERWAY OR THAT WE'VE ALREADY DONE HAVEN'T PROVIDED US?

THAT IS CORRECT. CAPITAL METRO HAS CONTRACTED WITH A FIRM BY THE NAME OF ECONOMIC RESEARCH ASSOCIATES AND THEY GO BY ERA ACRONYM. THIS IS THE SAME FIRM THAT DID THE DOWNTOWN RETAIL STUDY THAT WAS COMPLETED ABOUT 8 MONTHS OR SO AGO. THE TASK FOR THAT FIRM IS -- IS THE SAME AS THE FIRST TASK THAT I MENTIONED ON THE SALTILLO PROJECT. THEY ARE LOOKING AT THE -- AT THE SIX TOD'S AND SAYING THIS IS -- THIS IS WHAT WE BELIEVE THE MARKET WILL SUPPORT IN THESE AREAS IN TERMS OF USES, IN TERMS OF HOW MUCH OF

EACH USE, IS THERE A -- IS THERE A MARKET FOR A MILLION SQUARE FEET OF RETAIL OR IS THERE A MARKET FOR 10,000 SQUARE FEET OF RETAIL? JUST AS ONE EXAMPLE. AND THERE IS CONTRASTED WITH THIS -- THE HOUSING CONSULTANT WHO AS MS. WEISS MENTIONED IS GOING TO LOOK AT HOW DO WE -- WHAT ARE THE STRATEGIES TO ACHIEVE THE AFFORDABLE HOUSING GOALS REGARDLESS OF WHAT THE ACTUAL MIX OF USES THAT IS SUGGESTED BY THE -- BY THE OTHER CONSULTANT, AND WHAT ARE THE -- WHAT ARE THE OPTIONS FOR FUNDING THOSE AFFORDABLE HOUSING GOALS.

AFL A RIGHT, I MEAN, AGAIN, HAVING DISCUSSED THIS FOR SIX YEAR, YOU KNOW IT'S GOING TO BE THE SMART HOUSING TYPE INCENTIVES OR HELP THEM PAY FOR INFRASTRUCTURE OR DO A T.I.F. DISTRICT OR PROVIDE ACTUAL MONEY TO THE DEVELOPMENTS LIKE WE DO WITH OTHER DEVELOPMENTS SO I GUESS I'M NOT, YOU KNOW, SURE -- HAVEN'T HEARD OF ANY OTHER STRATEGIES AND SO HOPEFULLY, I MEAN MOVING FORWARD WITH THIS CONTRACT, WE WILL ACTUALLY GET SOME NEW INFORMATION ABOUT HOW WE MIGHT BEST MET OUR AFFORDABLE HOUSING NEEDS, BUT I THINK THAT, YOU KNOW, I JUST WANTED TO MAKE SURE WE WEREN'T DUPLICATING SOME WORK THAT HAS ALREADY BEEN DONE AND THAT -- AND REALLY JUST KIND OF ASK -- JUST ASKING THE QUESTION OF DO WE REALLY NEED TO DO THIS BECAUSE I THINK THAT THE WORK THAT HAS HAPPENED OVER, YOU KNOW, SEVERAL YEARS WE -- I THINK WE KNOW THE -- SORT OF THE RANGE OF OPTION, IT'S JUST A MATTER OF MAKING A POLICY DECISION ON -- IN TERMS OF HOW TO -- HOW TO ACHIEVE THOSE GOALS AND -- AND THE BONDS MAY PLAY INTO THAT IN SOME WAY AS WELL. BUT THAT WAS IT. I JUST DIDN'T KNOW. IF YOU DON'T HAVE ANY OTHER -- ANYTHING ELSE, THOSE WERE ALL MY QUESTIONS, MAYOR PRO TEM? >>

Thomas: ANY OTHER QUESTIONS? IF NOT, WE'LL ENTERTAIN A MOTION FOR ITEM 45.

SECOND.

Thomas: APPROVAL BY COUNCILMEMBER McCRACKEN AND

SECOND BY COUNCILMEMBER LEFFINGWELL. ANY QUESTIONS? ANY OTHER DISCUSSION? COUNCILMEMBER McCRACKEN?

McCracken: I'LL JUST SAY I'M MOVING TO APPROVE THIS BECAUSE WHEN WE DID THE MUELLER AFFORDABLE HOUSING TARGET, YOU KNOW, WE HAD JIM MESBOCH IN THAT FIRM PROVIDE SOME VERY EXTENSIVE DETAIL, FINANCIAL ANALYSIS TO GUIDE US HOW TO GET TO 25% AFFORDABILITY IN MUELLER. THIS IS DIFFICULT FINANCIAL WORK. THIS IS THE FIRST TIME WE'VE EVER DONE RAIL STATIONS IN THIS -- IN THIS METRO AREA. IT'S VERY IMPORTANT IN EVERY RESPECT THAT WE GET IT DONE RIGHT. THAT'S WHY WE'RE GOING TO HAVE TO RELY ON FOLKS WHO HAVE NATIONAL EXPERIENCE OF HAVING DONE NOT JUST AFFORDABILITY WITH ABILITY BUT THE ZONING COMPONENTS OF IT AS WELL, WE DON'T HAVE THE LOCAL EXPERIENCE WITH THE RAILATION BECAUSE WE HAVEN'T DONE IT BEFORE.

OKAY. ANY OTHER DISCUSSION? ALL IN FAVOR OF THE MOTION, LET IT BE KNOWN BY SAYING AYE.

AYE.

Thomas: ANY OPPOSED? THE MOTION KEARS ON A 6-0 AND THE MAYOR IS OFF THE DAIS. OKAY. ITEM 51 PULLED BY COUNCILMEMBER ALVAREZ.

Alvarez: THANK YOU, MAYOR PRO TEM. THIS SHOULD BE REAL QUICK, BECAUSE I THINK THIS IS VERY IMPORTANT PROCESS FOR US TO INITIATE. I WANT TO THANK THE SPONSORS FOR BRINGING IT FORWARD, BUT REALLY JUST, YOU KNOW, IN THE -- IN SEEING THE -- IN SEEING THIS PROCESS MOVE FORWARD, JUST WANTED TO MAKE SURE THAT A STAFF PROCEEDED AND THAT WE ALSO LOOKED AT NOT JUST SMALL LOT SF 4-A, BUT ALSO THOSE LOTS THAT QUALIFY UNDER SMALL LOT AMNESTY WHICH IS, YOU KNOW, ONE OF OUR SMART GROWTH TOOLS, AND I THINK ONE OF THE AREAS WHERE WE HEARD CONCERNS FROM VARIOUS NEIGHBORHOODS, BECAUSE I THINK THOSE -- THOSE LOTS ARE ACTUALLY SMALLER, SOMETIMES THAN SF 4-A, SO JUST TO MAKE SURE THAT IS INCLUDED IN THE CONSIDERATION

AND THEN ALSO THE SECONDARY APARTMENTS. AND THERE MAY BE SOME OTHER RULES ALREADY IN PLACE FOR THAT WITH REGARD TO SCALE, BUT THAT'S ANOTHER SMART GROWTH TOOL, AND WE'RE TRYING TO JUST KIND OF THINK THROUGH ALL OF THE POSSIBLE ISSUES THAT MIGHT COME UP OR LOOPHOLES THAT MIGHT BE OUT THERE BECAUSE AS WE'VE SEEN, YOU KNOW, WHEN WE CLOSE ONE LOOPHOLE, THEN ANOTHER ONE IS IDENTIFIED, SO I JUST REALLY WANTED STAFF, YOU KNOW N. GOING THROUGH THIS PROCESS, AND SINCE THE POSTING LANGUAGE SEEMS, YOU KNOW, VERY BROAD IF TERMS OF SINGLE FAMILY USES, WE MAKE SURE WE LOOK AT SOME OF THOSE SMART GROWTH TOOLS ALSO THAT MANY -- MOST OF THE NEIGHBORHOODS HAVE ACTUALLY INCLUDED IN THEIR PLANS LIKE SMALL LOT AMNESTY AND SECONDARY APARTMENTS SO THAT IF WE SOLVE THE ISSUE FOR SF 3 A AND 4. A AND 2 A. IT DOESN'T COME BACK AND WE REALIZE WE HAVE AN ISSUE WITH THE SMALL LOT AMNESTY AND THE SECONDARY APARTMENTS, SO REALLY -- THAT WAS REALLY KIND OF A POINT OF CLARIFICATION, OR JUST A SUGGESTION AS WE MOVE FORWARD TO MAKE SURE THAT WE TRY TO LOOK AT THE BROADEST POSSIBLE ARRAY OF SINGLE FAMILY CATEGORIES OF ZONINGS.

Thomas: COUNCILMEMBER LEFFINGWELL?

Leffingwell: I APPRECIATE COUNCILMEMBER ALVAREZ'S COMMENTS, AND I CAN ASSURE YOU THAT ALL OF THESE THINGS WILL BE LOOKED AT AS WE GO THROUGH THE PROCESS AND IT WAS INTENTIONALLY MADE VERY BROAD BECAUSE WE DID WANT TO ALLOW ROOM FOR -- TO LOOK AT NOT JUST THE THREE ITEMS THAT ARE NAMED HERE, FLORIDA AREA RATIOS, HEIGHT, SO THE INTENT HERE IS TO HAVE THIS GO THROUGH THE ENTIRE PROCESS PROBABLY FIRST OF THE LAND USE TRANSPORTATION SUB COMMITTEE OF THE COUNCIL TO PROVIDE IF APPROPRIATE MORE DIRECTION AS IT WORKS ITS WAY THROUGH THE PLANNING COMMISSION AND I'LL ALSO BE REQUESTING THAT IT BE REVIEWED AS A COURTESY AND FOR COMMENT BY THE ZONING AND PLATTING COMMISSION.

Thomas: COUNCILMEMBER DUNKERLY?

Dunkerly: THANK COUNCILMEMBER ALVAREZ, BUT, AGAIN, WE HAVE NO INTENTION OF NEGATIVELY IMPACTING SMART HOUSING IF POSSIBLE. THIS PARTICULAR ACTION IS REALLY IN KEEPING WITH ACTIONS THAT THIS COUNCIL HAS TAKEN OVER THE LAST FEW YEAR, MOVING, INCREASING SOME REGULATIONS OVER THE SUPER DUPLEXES, OVER THE SUPER 2s AND NOW LOOKING AT THE McMANSION TERM, AGAIN, NOT TO RESTRICT GOOD DEVELOPMENT, BUT IN TRYING TO FIND A FAIR AND BALANCED WAY OF ADDRESSING THE NEIGHBORHOOD ISSUES AS WELL AS THE BUILDING OWNERS. SO I HOPE THAT IN THIS PROCESS THAT YOU DO GET INPUT FROM THE VARIOUS BUILDERS AS WELL AS THE NEIGHBORHOODS, AND LET'S COME UP WITH A FAIR APPROACH SO THAT WE HAVE COVERED ALL THE GAMUT THAT IMPACT OUR INNERCITY NEIGHBORHOODS SO CARRY ON.

Thomas: COUNCILMEMBER McCracken?

McCracken: YEAH, I THINK START OFF BY SAYING WE'RE DOING THIS BECAUSE THERE'S A PRINCIPLE HERE WHICH IS WE ALL HAVE A RESPONSIBILITY TO BE GOOD NEIGHBORS TO OUR NEIGHBORS. WHEN I LIVED IN HOUSTON, I SAW WHAT HAD HAPPENED WITH A NEIGHBORHOOD IN HOUSTON WHICH WAS VERY SIMILAR TO SOME OF OUR GREAT CORE HISTORIC NEIGHBORHOODS AND ALSO THAT NEIGHBORHOOD IN HOUSTON IS WEST UNIVERSITY, AND THE HOUSTON DOING IN TO PROTECT ITS HISTORIC SACRED SPOTS. WHAT HAPPENED WHILE I LIVED IN HOUSTON, I SAW THESE NEAT SMALLER HOMES IN THIS GREAT HISTORIC NEIGHBORHOOD TORN DOWN ONE AFTER THE OTHER IN AN ACCELERATED FASHION AND IT BECAME REALLY NO DIFFERENT THAN A SUGAR LAND CUL-DE-SAC SUBDIVISION OF \$500,000 MANSIONS ON UP. AND IN THAT SENSE HOUSTON LOST A SENSE OF ITSELF. IT JUST KIND OF BLENDED INTO SOMETHING ELSE. WE'VE HAD -- PRACTICAL REASON WHY WE'RE DOING THIS. WE'VE HAD HISTORIC ZONING BATTLES EVER SINCE I GOT ON THE COUNCIL IN 2003 IN WHICH WE WERE ATTEMPTING TO USE HISTORIC ZONING AS A WAY OF PROTECT OUR HISTORIC NEIGHBORHOODS BECAUSE WE HAD NO OTHER TOOLS TO ADDRESS TEARING DOWN HOMES IN SCALE AND IN CHARACTER AND PLACING THEM WITH HOMES THAT COULD

REALLY BE ANYWHERE IN THE U.S., IN ANY KIND OF CUL-DE-SAC, BE MANSION SUBDIVISION IN THE SUBURBS, AND WE NOW ARE GOING TO GIVE FOLK AS TOOL TO PROTECT OUR NEIGHBORHOODS, HISTORIC NEIGHBORHOODS WITH A CITY OF CHARACTER AND SENSE OF PLACE. McMAJSES AND BIG BOX ARE THE ANTI THESIS, THEY ARE ANYWHERE U.S.A., I REPEAT AGAIN, WE ARE HAVING TO TAKE A VARIETY OF ACTIONS TO ENSURE THAT PEOPLE LIVE UP TO THEIR RESPONSIBILITY TO BE GOOD NEIGHBORS. WE HAVE HAD TO DEAL WITH THE SUPER DUPLEXES, WE'RE SEEING NOW THAT WE HAVE A NEW CLASS OF DEVELOPERS COMING, GUTTING OUT SINGLE FAMILY HOMES AND FILLING THEM WITH TEN PEOPLE, CONVERTING GARAGES TWO BEDROOMS, WE ARE GOING TO HAVE TO ADDRESS THAT NEXT I BELIEVE. THIS ONE MORE STEP IN OUR EFFORT TO MAKE SURE THAT WE'RE ALL LIVING UP TO OUR RESPONSIBILITY TO BE GOOD NEIGHBORS.

Thomas: THANK YOU. DO YOU HAVE ANY QUESTIONS.

GREG GUERNSEY. WE'VE HEARD YOU AND WE'LL MOVE FORWARD AS QUICKLY AS YOU CAN. I'LL MAKE SOME AMENDMENTS AND BRING THEM BACK TO YOU.

Thomas: COUNCILMEMBER LEFFINGWELL?

Leffingwell: IF APPROPRIATE NOW, I WOULD LIKE TO MOVE APPROVAL OF THE RESOLUTION.

Thomas: MOTION MADE BY COUNCILMEMBER LEFFINGWELL, SECONDED BY COUNCILMEMBER DUNKERLY. DISCUSSION? I WOULD LIKE TO SAY ONE THING. I APPRECIATE THIS AMENDMENT BECAUSE ACCOUNT COMPATIBILITY IS SOMETHING THAT IS REALLY HAS IN CERTAIN AREAS OF THE CITY, WHEN WE DO THIS AMENDMENT, THIS IS FOR EVERY AREA OF THE CITY, RIGHT?

WE'LL BE LOOKING AT THE ENTIRE CITY OF AUSTIN.

Thomas: RIGHT.

I'M NOT SURE WHAT THE AMENDMENT WOULD BE WHEN IT COMES BACK TO YOU BECAUSE THIS IS SOMETHING THAT

REALLY, WHETHER IT'S EAST, WEST, NORTH OR SOUTH, IT'S MORE IN THE AREAS WHERE PROPERTY VALUES ARE HIGH, THE HOUSES ARE SMALL, AND IT DOESN'T REALLY OCCUR ON THE FRINGE OF OUR CITY, IT MORE OCCURS IN THE CORE OF OUR CITY.

Thomas: THE REASON WHY I SAY, YOU KNOW, RECENT CASE WE HAD IN TRAVIS COUNTY HEIGHTS, THEY HAD SOME CONCERNS ALSO ABOUT HOW HOUSES COME IN, TORE DOWN, AND THEN THEY'RE NOT COMPATIBLE TO WHAT IS IN THE NEIGHBORHOOD PLUS THEY HAVE A TENDENCY TO RAISE THE TAXES OF THE EXISTING. NOW, WE KNOW FOR A FACT THAT THAT HAS HAPPENED IN EAST AND NORTHEAST AREA AND THAT'S WHY I WAS SAYING -- ASKING THE QUESTION CITYWIDE, BECAUSE IT HAS AFFECTED A LOT OF PEOPLE IN THOSE PARTICULAR AREAS. AND I DON'T THINK THAT'S WHAT THE NEIGHBORHOOD PLANNING PROCESS WAS ABOUT. IT WAS ABOUT TO ENHANCE THE NEIGHBORHOOD, NOT TO PUSH AND SHOVE PEOPLE OUT OF THE NEIGHBORHOOD SO I APPRECIATE THE SPONSORS FOR THIS ITEM. ANYTHING ELSE? ALL IN FAVOR, LET'S SAY AYE.

AYE.

Thomas: AND OPPOSED? ITEM NUMBER 51 IS PASSED ON 6-0 WITH THE MAYOR OFF THE DAIS, A VOTE OF APPROVAL. ANY OTHER ITEMS? THAT'S IT. ALL RIGHTY. WE'RE MOVING ALONG. WE ARE LOSING EVERYBODY. THIS IS A PRETTY SKELETON CREW TODAY. BUT ANYWAY, WE'RE GOING TO GO INTO EXECUTIVE SESSION. COUNCIL WILL BE IN CLOSED SESSION UNDER CHAPTER 51 -- 51 OF THE TEXAS GOVERNMENT CODE. WE WILL RETURN AND WE WILL BE DISCUSSING ITEMS NUMBER 55 RELATING TO DUTIES AND COMPOSITION OF THE BOARD OF ADJUSTMENTS AND ITEM 58 RELATING TO THE EXPANSION OF WATER TREATMENT PLANT AND ASSOCIATED WITH THE CONTRACT WITH WESTIN CONTRACTORS. WE WILL BE IN CLOSED SESSION AND WE WILL BECOME (B) BACK BE BACK FOR CITIZEN COMMUNICATION AT 12. THANK YOU.

WHEN WE WERE IN CLOSED SESSION WE DISCUSSED ITEM 58, NO ACTION WAS TAKEN. THE FOLLOWING ITEMS WILL BE WITHDRAWN FROM THE AGENDA, WILL BE ITEMS 54 AND 56

AND 57. MAYOR, AT THIS TIME WE WILL OUR NOON CITIZENS COMMUNICATION. AND I THINK WE ARE VERY FAMILIAR WITH THE 12:00 NOON CITIZENS COMMUNICATION. 3 MINUTE FOR EACH ONE AND WE ASK YOU TO -- TO ABIDE BY THE 3 MINUTE RULE. OUR FIRST PERSON WILL BE CAROLANNEROSE KENNEDY. AFTER THAT, KATHRYN, IS SHE HERE? I'LL LET YOU PRONOUNCE YOUR LAST NAME.

KATHERINE MERSIOZSKY.

MS. KENNEDY. >

HI, THANK YOU ALL FOR HAVING ME. I WROTE A LETTER TO OSAMA A WHILE BACK AND AFTER SLEEPING ON IT FOR ABOUT THE 40th TIME, I DECIDED NOT HERE AND NOT NOW. SO INSTEAD OF THAT, THE LETTER I WROTE, I'M GOING TO REPLACE IT WITH THE WORDS OF KIPLING, NAMELY BECAUSE IT'S A LITTLE MORE -- IT DELIVERS THE SAME MESSAGE THAT I HAD, BUT IT'S A LITTLE MORE LADY-LIKE. GOOD YOU CAN KEEP YOUR HEAD WHEN ALL ABOUT YOU ARE LOSING THEIRS AROUND BLAMING IT ON YOU, IF YOU CAN TRUST YOURSELF WHEN ALL MEN DOUBT YOU BUT MAKE ALLOWANCE FOR THEIR DOUBTING, TOO. IF YOU CAN WAIT AND -- IF YOU CAN WAIT AND NOT BE TIRED BY WAITING OR BEING LIED WITH, DON'T DEAL IN LIES OR BEING HATED, DON'T GIVE WAY TO HATING AND YET DON'T LOOK TOO GOOD NOR TALK TOO WISE. IF YOU CAN DREAM AND NOT MAKE DREAMS YOUR MASTER, IF YOU CAN THINK AND NOT MAKE THOUGHTS YOUR AIM, IF YOU CAN MEET WITH TRIUMPH AND DISASTER AND TREAT THOSE TWO IMPOSTERS JUST THE SAME, IF YOU CAN BEAR TO HEAR THE TRUTH THAT YOU HAVE SPOKEN, TWISTED BY NAVES TO MAKE A TRAP FOR FOOLS, OR WATCH THE THINGS YOU GAVE YOUR LIFE TO BROKEN AND STOOP AND BUILD THEM UP WITH WORN OUT TOOLS. IF YOU CAN MAKE ONE HEAP OF ALL OF YOUR WINNINGS, RISK IT ON ONE TURN OF PIJ GONE TOSS AND LOOSE AND START AGAIN AT YOUR BEGINNINGS AND NEVER BREATHE A WORD ABOUT YOUR LOSS, IF YOU CAN FORCE YOUR HEART AND NERVE AND SIN YEW TO SERVE YOUR TEAM LONG AFTER YOU ARE GONE, HOLD ON HAD THERE IS NOTHING IN YOU EXCEPT THE WILL WHICH SAYS TO THEM HOLD ON. IF YOU CAN TALK WITH CROWDS AND KEEP YOUR VIRTUE OR WALK WITH KINGS NOR LOSE

THE COMMON TOUCHÉ, IF NEITHER FOES NOR LOVING FRIENDS CAN HURT YOU, IF ALL MEN COW WITH YOU BUT NONE TOO MUCH, IF YOU CAN FILL THE UNFORGIVING MINUTES WITH 60 SECONDS WORTH OF DISTANCE RUN, YOURS IS THE EARTH AND EVERYTHING THAT'S IN IT AND WHICH IS MORE YOU WILL BE A MAN, MY SON. THANK YOU.

THANK YOU. KATHRYN?

THANK YOU FOR ALLOWING ME TO SPEAK BEFORE YOU TODAY. IT'S KATHERINE MERSIOZSKY.

OKAY, THANK YOU.

I'M HERE FOR A COUPLE OF REASONS. TO INFORM YOU THAT I FILED A LAWSUIT AGAINST THE CITY OF AUSTIN AND AETNA LIFE INSURANCE COMPANY OVER THE MANAGEMENT OF MY DISABILITY BENEFITS AND ASK FOR ANY ASSISTANCE THAT YOU MIGHT BE ABLE TO GIVE ME IN SETTLESING THIS MATTER QUICKLY. I WAS A CITY OF AUSTIN PARAMEDIC FROM 1998 UNTIL 2002. I WAS A GOOD EMPLOYEE, WITH ALMOST 13 YEARS OF EXPERIENCE I HAVE A TENURED, WELL PAID EMPLOYEE. JUNE 21st, 2001, I CAUGHT A PATIENT WHO WAS FALLING AND SUSTAINED A CAREER ENDING BACK INJURY. WHEN I INQUIRED ABOUT THE POLICY THROUGH THE H.R. DEPARTMENT I WAS INITIALLY NOT ALLOWED TO FILE A CLAIM AND TOLD I DIDN'T QUALIFY. WITH THE HELP OF CAROL GUTHRIE AND OTHERS IN THE H.R. DEPARTMENT, I WAS FINALLY ALLOWED TO FILE A CLAIM. AND I DID QUALIFY. IT TOOK ME EIGHT MONTHS TO GET THIS POLICY STARTED. EVEN THOUGH IT HAS ONLY A 90 DAY WAITING PERIOD. WHEN THE BENEFITS WERE CALCULATED IT WAS CALCULATED AT ONLY 43% OF MY SALARY INSTEAD OF THE PUBLISHED 60%. MY APPEAL IN 2002 NOT ONLY INCREASED MY BENEFITS BY 30%, BUT RESULTED IN A PERMANENT CHANGE IN THE WORDING TO THE POLICY. MY BENEFITS WERE TERMINATED AGAIN SEPTEMBER OF 2003. THIS TIME DUE TO ERRORS THAT AETNA MADE IN MY OCCUPATION AND IN MY SALARY. I WON THAT APPEAL, BUT IT TOOK ME FIVE MONTHS. MY BENEFITS WERE TERMINATED AGAIN IN NOVEMBER OF 2004, THIS TIME USING THE WRONG OCCUPATION DEFINITION. DURING THIS DENIAL THEY HAD ME UNDER VIDEO SURVEILLANCE AND TRIED TO USE

INFORMATION IN THIS INVESTIGATION TO INTIMIDATE ME. AFTER FOUR MONTHS I WON THE APPEAL, BUT AGAIN TWO MONTHS LATER, MAY OF 2005, THEY TERMINATED THE BENEFITS AGAIN. THIS TIME THEY HAVE CITED SEVEN DIFFERENT OCCUPATIONS THAT THEY FEEL THAT I'M ABLE TO PERFORM, HOWEVER I DON'T HAVE THE WORK EXPERIENCE OR THE EDUCATION TO EVEN APPLY FOR THE JOBS. THE DEFINITION OF TOTAL DISABILITY IN THIS POLICY HAS TWO SPECIFIC COMPONENTS. IT HAS A MEDICAL COMPONENT AND VOCATIONAL COMPONENT. I HAVE APPEALED THIS LAST DENIAL FOUR DIFFERENT TIMES. THEY REFUSED TO LOOK AT THE VOCATIONAL INFORMATION AT ALL. AND THEY STATE THAT I HAVE INSUFFICIENT MEDICAL INFORMATION IN MY FILE, EVEN THOUGH [BUZZER SOUNDING] IT WAS IDENTICAL INFORMATION THAT ALLOWED ME TO WIN THE PREVIOUS THREE APPEALS. THE LETTERS THAT I GET FROM THEM HAVE NUMEROUS INACCURACIES AND MISTAKES AND MISREPRESENTATIONS AND THE FILES THAT I GET FROM THEM ARE INCOMPLETE. I DON'T WANT TO BE IN THIS POSITION. BUT I AM FORCED TO FILE THE LAWSUIT SIMPLY TO GET THE MONEY. THE AMOUNT OF EMOTIONAL AND FINANCIAL STRESS THIS HAS PUT ME UNDER IS ENORMOUS. IF THERE'S ANY HELP THAT YOU CAN GIVE ME IN SETTLING THIS, I WOULD CERTAINLY APPRECIATE IT. AND REMIND YOU THAT NOT ONLY DOES THIS POLICY AFFECT ME, BUT IT AFFECTS EVERY 10 CURED EMPLOYEE IN THE CITY THAT -- TENURED EMPLOYEE IN THE CITY THAT HAS PURCHASED THIS POLICY. THANK YOU.

Thomas: NEXT WOULD BE PASTOR MARK WEAVER AND THEN RICK PERKINS.

MAYOR PRO TEM, CITY COUNCIL MEN AND WOMEN. AGAIN I COME TO YOU ON AN ISSUE THAT I HAVE BEEN TO YOU ON DIFFERENT OCCASIONS ALREADY IN THE PAST REGARDING SEXUALLY ORIENTED BUSINESSES. SPECIFICALLY I'M TALKING ABOUT THE ADULT ARCADES IN THOSE BUSINESSES. AND THE FACT THAT THERE IS HIGH RISK BEHAVIOR OCCURRING IN THESE ESTABLISHMENTS AND THAT -- THAT CONTINUES TO GO ON TO THIS DAY. NO ONE HAS ADDRESSED THOSE ISSUES AND WITH -- WITH AIDS AND OTHER SEXUALLY TRANSMITTED DISEASES THAT ARE NUMEROUS, IN FACT WE GIVE LOTS OF RESOURCES AS A

CITY TO HELP TRY TO RESOLVE THESE PROBLEMS IN THE CITY, YET THEY LEAVE THIS ISSUE UNADDRESSED. THESE BUSINESSES OPERATE 24 HOURS A DAY, SEVEN DAYS A WEEK, WITH HUNDREDS OF SEXUAL ACTS OCCURRING EVERY DAY. IN THESE BUSINESSES. RIGHT NOW, I'M ABOUT THE ONLY ONE TRYING TO ADDRESS THIS PROBLEM BECAUSE THERE ARE THOSE WITHIN THE CITY OF AUSTIN WHO JUST SIMPLY SEEM NOT TO REALLY CARE OR THEY WANT TO SHIFT IT TO SOMEBODY ELSE'S DEPARTMENT. I AM SIMPLY ASKING THAT THE COUNTY AND THE CITY COME TOGETHER AND WORK ON THIS PROBLEM BECAUSE IT AFFECTS ALL RESIDENTS IN THE CITY AND IN THE COUNTY. WE NEED TO FIND A SOLUTION. RIGHT NOW, IF I WERE TO GO TO THE NEW VIDEO STORE OUT ON SOUTH I-35, YOU WOULD FIND MY PICTURE ON THE FRONT DOOR OF THAT BUILDING WITH MY PHOTOGRAPH SAYING IF YOU COME INTO THIS STORE, YOU WILL BE ARRESTED FOR CRIMINAL TRESPASS. MY SIMPLE DESIRE IS TO GO INTO THESE STORES TO SEE WHAT TYPE OF COMPLIANCE WHICH THEY HAVE CONFORMED TO, WHICH THEY HAVE CONFORMED TO NONE AT THIS POINT. I WILL BE ARRESTED. YET I CAN'T GET THE POLICE DEPARTMENT TO GO IN AND OBSERVE, I CAN'T GET THE HEALTH DEPARTMENT TO TAKE ANY ACTION. I CAN'T GET THE CITY COUNCIL, I CAN'T GET THE COUNTY COMMISSIONERS. SO A CITIZEN WILL BE ARRESTED IF HE GOES IN AND TRIES TO TAKE ACTION. I'M BRINGING BACK TO YOUR ATTENTION AGAIN THIS SERIOUS HEALTH PROBLEM, INNOCENT PEOPLE ARE SUFFERING. WIVES WHOSE HUSBANDS USE THESE THINGS UNBEKNOWNST TO THEM, OTHERS WHO ARE JUST EXPOSED TO THESE INDIVIDUALS THROUGH SEXUAL CONDUCT AND ACTIVITY AREN'T AWARE THAT THEY ARE HAVING MULTIPLE SEXUAL ENCOUNTERS IN THESE ENVIRONMENTS. SO AGAIN I COME TO YOU TODAY, THIS WILL NOT BE MY LAST ADDRESS, I WILL COME AGAIN UNTIL THE CITY OF AUSTIN AND UNTIL TRAVIS COUNTY TAKES SOME MEASURE TO SHUT DOWN THIS ASPECT, WHICH IS A PUBLIC HEALTH THREAT, TO THE RESIDENTS. NOT JUST OF TRAVIS COUNTY, BUT BECAUSE THERE'S NO OTHER KIND OF BUSINESS LIKE THAT IN CENTRAL TEXAS, YOU WON'T FIND IT IN WILLIAMSON COUNTY, YOU WON'T FIND IT IN HAYS COUNTY. YOU WILL FIND IT IN TRAVIS COUNTY. SO WE HAVE TRACKED PEOPLE

FROM AROUND CENTRAL TEXAS, THOSE WHO ARE LOOKING FOR THIS TYPE OF BEHAVIOR. AND WE NEED TO BE MORE RESPONSIBLE. AS A CITY TO TAKE CARE OF THIS PUBLIC HEALTH THREAT. IT'S NOT A MISSTARE. IT'S -- MYSTERY, IT'S SIMPLE ARITHMETIC. THANK YOU.

Thomas: THANK YOU, PASTOR WEAVER. CAN I GET SOMEONE FROM STAFF TO ADDRESS THIS. I NEED TO ASK A QUESTION MYSELF.

MAYOR PRO TEM, NANCY MATCHUS WITH THE CITY OF AUSTIN LAW DEPARTMENT, I REPRESENT THE CODE ENFORCEMENT DIVISION. I DON'T KNOW WHAT YOUR QUESTION IS ABOUT, I WILL TRY TO ANSWER IT.

WELL, ONE OF THE THINGS THAT I'VE BEEN HEARING, GOING ON SIX YEARS, YOU KNOW FOR THE LAST TWO AND A HALF OR THREE YEARS, PASTOR WEAVER HAS BEEN DOWN, I'VE HAD MEETINGS WITH HIM, I'VE HAD HIM TRY TO CONTACT WITH THE POLICE DEPARTMENT TO SIT DOWN AND TALK. I KNOW THERE ARE CERTAIN THINGS WE CAN DO BY LAW. BUT WHAT I WOULD LIKE TO KNOW CAN WE ENHANCE -- BECAUSE THIS COMPLAINT IS CONTINUOUSLY COMING FORWARD. I GUESS ANOTHER THING THAT I'M REQUESTING IS MAYBE A MEETING WITH YOU AND CHIEF AND MAYBE THE SHERIFF'S DEPARTMENT AND JUST -- PASTOR WEAVER, SIT DOWN, MAYBE WE CAN TALK ABOUT SOME THINGS THAT HE'S BRINGING UP. IF THERE'S SOMETHING WE HAVEN'T BEEN DOING, WE NEED TO CORRECT AND ENHANCE IT. WE CAN GO INTERLOCAL WITH THE SHERIFF'S DEPARTMENT TO FIND OUT. MY UNDERSTANDING IT'S THE MANPOWER SOMETIMES WE DON'T HAVE TO ENFORCE ON THE POLICE DEPARTMENT SIDE SO --

WE HAVE MET WITH PASTOR WEAVER THE LAST TIME HE WAS HERE. THE CODE ENFORCEMENT DIVISION DID SEND OUT AN INVESTIGATION TEAM ALONG WITH THE HEALTH DEPARTMENT TO ONE -- WE HAVE ONLY HAD A COMPLAINT ON ONE BOOK STORE. AND WE DID SEND THE TEAM OUT AND WE DID REVIEW THE CURRENT ADULT ARCADE ORDINANCE. THE BOOK STORE THAT WE WENT TO WAS IN COMPLIANCE WITH THE CURRENT STANDARDS THAT THE COUNCIL HAS SET. THE QUESTION ABOUT WHETHER YOU

WOULD WANT HIGHER STANDARDS WOULD BE SOMETHING THAT YOU WOULD HAVE TO REQUIRE A DIFFERENT ORDINANCE OR SOMETHING LIKE THAT.

Thomas: I I UNDERSTAND THAT. MAYBE I NEED TO ASK THE POLICE DEPARTMENT THEN. WHAT PART OF THE LAW THAT'S INVOLVED. I GUESS WE DO NEED TO WORK ON THE ORDINANCE THEN. I DON'T BELIEVE HE SHOULD CONTINUE TO COME DOWN HERE. HE HAS OTHER THINGS HE SHOULD BE DOING.

I'M THE ASSISTANT CHIEF WITH THE POLICE DEPARTMENT. I HAVE MET WITH PASTOR WEAVER MYSELF. AND THE POLICE DEPARTMENT'S STANCE IS WE WILL RESPOND TO CALLS THAT WE GET ON THIS. BUT THIS IS ONE OF THOSE SITUATIONS THAT OFFICERS IF WE START WORKING THAT TYPE OF THING UNDERCOVER OFFICERS, GET PUT IN VERY PRECARIOUS SITUATIONS. FOR A CLASS C OR A CLASS B MISDEALER. BUT WE DO RESPOND TO -- MISDEMEANOR. BUT WE DO RESPOND TO CALLS THAT ARE MADE, ANY COMPLAINTS WE WILL GO OUT AND INVESTIGATE THOSE. THE SAME BOOK STORE THAT THE LAW DEPARTMENT IS TALKING ABOUT, WE WENT OUT AND WE DID LOOK AT IT TO MAKE SURE THERE WEREN'T ANY VIOLATIONS GOING ON.

Thomas: IS IT POSSIBLE THAT WE CAN SIT DOWN AND TALK TO THE SHERIFF'S DEPARTMENT, SOME OF THESE ARE IN THE COUNTY.

SOME OF THEM ARE RIGHT ON THE COUNTY LINE. YES, SIR, WE CAN DO THAT.

Thomas: OKAY. YOU SAID PUTTING OFFICERS -- I MISSED THAT.

THESE ARE MOSTLY CLASS C AND CLASS B VIOLATIONS. IT'S PART OF THE REASON WE DON'T HAVE A VICE UNIT WITH AUSTIN POLICE DEPARTMENT BECAUSE YOU ARE ASKING OFFICERS TO GO IN AND EXPOS THEMSELVES -- EXPOSE THEMSELVES, WHICH TO MAKE A CLASS C OR A CLASS B AND IT REALLY -- THEN YOU HAVE TO GO TO COURT AND HAVE TO TESTIFY ALL OF THIS. YOU ARE REALLY ASKING OFFICERS TO -- TO DO SOMETHING THAT -- THAT THEY

MORALLY MAY NOT WANT TO DO IN ORDER TO MAKE A CASE. IT'S A LITTLE DIFFERENT THAN MAKING A PROSTITUTION CASE THAT YOU CAN JUST MAKE -- JUST BY TALKING. THEY ARE MORE DIFFICULT TO MAKE, YOU ARE PUTTING OFFICERS IN A -- IN AN UNCOMFORTABLE POSITION TO HAVE TO IN A CASE LIKE THAT. IF IT'S TALKING, PROSTITUTION THING WE WORK THOSE, BUT THE CASE THAT MR. WEAVER IS TALKING ABOUT SOMETIMES CALLS FOR MORE THAN THAT.

Thomas: WE HAVE TO SIT DOWN AND TALK --

I'M HAPPY TO TALK TO MR. WEAVER, PASTOR WEAVER, THE SHERIFF'S DEPARTMENT TO SEE WHAT WE CAN WORK OUT.

Thomas: I'M VERY FAMILIAR WITH HOW YOU HAVE GOT TO MAKE A CASE. I'M SAYING WHEN YOU HAVE COMPLAINTS, CONTINUED COMPLAINTS LOOKS LIKE WE OUGHT TO HAVE SOME OTHER WAY BESIDES JUST MAKING A CASE, IF WE SEE A VIOLATION THAT WE OUGHT TO BE ABLE TO ENFORCE. I WOULD BE WILLING TO DO THAT WITH PASTOR WEAVER, SOME ONE FROM THE SHERIFF'S DEPARTMENT, I WILL HAVE MY STAFF GET THAT STATED TO SIT DOWN AND TALK. THANK YOU, NEXT PERSON MIKE ALEXANDER AND JENNIFER GALE.

HELLO, CITY COUNCIL, MIKE ALEXANDER. I HAVE BEEN ASKING THIS SEVERAL TIMES BEFORE, I WAS THINKING THIS MIGHT BE A GOOD TIME TO HOPEFULLY GET SOMETHING GOING. I HAVE A CRAZY SITUATION OF SOMEBODY RUNNING REFRIGERATION TRUCKS NEXT TO MY HOUSE, LEAVE THEM RUNNING FOR HOURS AND HOURS. THIS NEW YEAR'S DAY IT RAN FROM 5:00 P.M. UNTIL MIDNIGHT. 5:00 P.M. UNTIL 1:00 IN THE MORNING THE DAY BEFORE. IT DESTROYS THE LIVABILITY OF YOUR HOME TO HAVE SOMEBODY LEAVING REFRIGERATION TRUCKS RUNNING. MAKING DELIVERIES BE RONT DOING IT. COMES OUT LATE AT NIGHT Comes out late at night SWITCHES IT OFF, DOESN'T MOVE IT. STARTS IT UP AGAIN. THE NOISE ORDINANCES IN OTHER CITIES IN TEXAS, I REVIEWED, QUITE OF FEW OF THEM HAVE GOOD COVERAGE BY AND LARGE, THEY TALK ABOUT NOISE WITH SUBSTANTIALLY INTERFERES WITH COMFORTABLE ENJOYMENT OF PRIVATE HOMES. YOU FIND A STATEMENT LIKE THAT IN FORT WORTH, BRYAN, IRVING, HOUSTON,

TEXARKANA, SUGARLAND, CORPUS CHRISTI, PLACES LIKE HOUSTON, SAN ANTONIO, FREDERICKSBURG, HAVE AN ORDINANCE THAT I THINK OUGHT TO BE PROTECTED FROM MORE GENERAL STATEMENT OF JUST LOUD UNNECESSARY NOISE, NOISE DISTURBANCES THE COMFORT AND PEACE OF OTHERS. EVEN DALLAS HAS A FAIRLY GENERAL STATEMENT THAT I THINK THAT YOU COULD APPLY. HERE WE DON'T REALLY HAVE ANYTHING UNTIL REALLY REALISTICALLY AFTER 11:30 P.M. OR SO, BY THE TIME YOU GET SOMEONE TO COME OUT AND TAKE A LOOK AT IT. THIS MORNING IT WAS RUNNING UNTIL 11:00 UNTIL 11:00 IN THE MORNING. YOU CAN NEVER PREDICT WHEN IT IS THROUGHOUT THE YEAR. THEY WILL RUN THROUGH THE AFTERNOON, AT NIGHT. HE COMES OUT, TURNS IT OFF, GOES TO BED, TURNS IT ON AGAIN IN THE MORNING. SEEMS LIKE THE TIME IS GOOD TO MAYBE CONSIDER AN ORDINANCE THAT YOU JUST CAN'T LEAVE REFRIGERATION TRUCK PARKING NEXT TO SOMEONE'S HOME AND RUNNING ALL OF THE TIME. IT'S REALLY -- YOU DON'T EVEN WANT TO LIVE IN YOUR HOME WHEN YOU HAVE SOMETHING LIKE THIS GOING ON. IT WOULD BE A GOOD TIME I THINK. IT'S WINTERTIME. SPRING WILL BE COMING. THE TRUCKS WILL BE FIRING UP AGAIN QUITE A BIT MORE IN THE YEAR. I WOULD LIKE TO SEE SOMETHING -- MORE INTEREST IN IT I HOPE, MAYBE GET AN ORDINANCE GOING. IT'S BEEN GOING ON FOR A LONG TIME FOR ME.

Thomas: THANK YOU.

MR. PERKINS, I'M SORRY, I OVERLOOKED YOU AFTER I GOT INVOLVED WITH MR. WEAVER.

BUENOS TARDES. I'M RICHARD PERKINS I LIVE IN OAK HILL, A 35-YEAR-OLD RESIDENTIAL NEIGHBORHOOD OF ABOUT 420 LARGE LOT HOMES. I MOVED OUT IN GRENEDA HILLS IN 2001 LEAVING THE NOISY ZILKER PARK AND BARTON HILLS NEIGHBORHOOD BEHIND ME. I WOULD LIKE TO CONGRATULATE THE COUNCIL AND STAFF ON YOUR NEIGHBORHOOD PLANNING PROCESS. I HAVE ATTENDED THE FIRST THREE MEETINGS OF THE OAK HILL NEIGHBORHOOD PLANNING GROUP AND I MUST SAY THIS TYPE OF COMMUNITY BUILDING HAS BEEN NEEDED ON OUR SIDE OF TOWN FOR DECADES. OUR 14 NEIGHBORHOODS, OF

WHICH I THINK THERE'S MORE THAN THAT, OF THE OAK HILL ASSOCIATION OF NEIGHBORHOODS, ARE ACTIVELY PARTICIPATING. AT EACH OF THE CITY'S SPONSORED PLANNING MEETINGS, I BELIEVE THAT WE HAVE HAD BETWEEN 75 AND 125 PEOPLE IN ATTENDANCE. AND THESE ARE NOT ALWAYS THE SAME PEOPLE AT EACH MEETING. THE GROUPS ARE DIVERSE. WE HAVE RETIRED PEOPLE, HIGH SCHOOL KIDS, REAL ESTATE SALESPEOPLE, ENGINEERS, JUDGES, STATE REPRESENTATIVES, LOTS OF LAWYERS AND A LARGE GROUP THAT I IDENTIFY SIMPLY AS JUST GOOD BUBBAS. WHILE WE MIGHT CROSS PATHS REGARDING THE FUTURE OF THE OAK HILL AREA, WE DO SO AS HUM ASSEMBLY AS POSSIBLE -- HUMBLY AS POSSIBLE. WORKING TOGETHER IN GOOD FAITH. HATS OFF TO KATHLEEN WELDER, SCOTT WHITELAND, MAUREEN MEREDITH IS HELPING TO GUIDE US THROUGH THIS PROCESS. TODAY I'M HERE TO SPEAK TO YOU REGARDING THE GROWTH AND DEVELOPMENT EXPERIENCING IN THE OAK HILL NEIGHBORHOODS. IT IS IMPORTANT FOR YOU ALL TO KNOW JUST HOW ORGANIZED OUR NEIGHBORHOODS HAVE BECOME. IT APPEARS THAT WE ARE GAINING STRENGTH AND MOMENTUM IN PART TO OF THE NEIGHBORHOOD PLANNING PROCESS. FURTHER, I WOULD LIKE YOU ALL TO KNOW THAT WE ARE GOOD STEWARDS OF OUR LAND. WE LOVE OAK HILL AND THE LAND THAT WE LIVE ON AND IN NO WAY ARE WE GOING TO ALLOW DIRTY BUSINESSES TO DESTROY OUR NEIGHBORHOODS. MOST OF US SUPPORT A.M.D. AND FREESCALE AND WE SEE THEM AS INTEGRAL TO OUR NEIGHBORHOOD FABRIC. IN FACT, WE LOVE OAK HILL MORE THAN S.O.S. PEOPLE DO. AND THE DEVELOPMENT OF THE AREA WILL BE DONE RESPONSIVELY UNDER OUR EMPOWERED AND WATCHFUL EYES. MANY OF US ENVISION A FUTURE OAK HILL AS A PLACE WHERE WE CAN SHOP, PLAY, WORK, RECREATE, THE INFRASTRUCTURE HAS BEEN LOGGING FOR DECADES -- LAGGING FOR DECADES, THAT HAS BEEN OKAY FOR THE PEOPLE WHO HAVE LIVED THERE FOR DECADES, BUT THE AREA IS GOING THROUGH GENTRIFICATION. WE HAVE SEEING ABOUT A 5% TURNOVER, MANY PEOPLE WITH YOUNG CHILDREN. AT THE Y, THE INTERSECTION OF HIGHWAY 290 AND 11, WE ARE SEEING -- 71, WE ARE SEEING A GREATER DEMAND FOR RECREATIONAL FACILITIES AND RESTAURANTS AND BARS.

WHILE WE NOW HAVE VERY GOOD SUSHI AND THE THE Y BAR AND GRILL FREQUENTLY HAS GREAT LIVE MUSIC, OUR OWN FLIPS SATELLITE CAFE, THESE BUSINESSES ARE ONLY OUR SEEDS FOR THE FUTURE. WE WILL GROW, IT WILL GET BETTER. ON THE OTHER HAND BECAUSE OAK HILL CONTAINS THE CROSSROADS OF 71 AND 290, WE ARE [BUZZER SOUNDING] CHALLENGED -- COUPLE OF SECONDS.

Thomas: WRAP UP.

OKAY. LET'S SEE. RECOMMENDATIONS WHEN I BELIEVE THE GROUP WILL BE LOOKING APPEAR, DEVELOPED AT TRANSIT ORIENTED DEVELOPMENT AT THE Y, ALLOWING FOR FIVE OR SIX STORY LOFT CONDOS TO BE BUILT NEAR THE Y, BUILDING NEW SHOPPING PLAZAS, GALLERIES, MAYBE A SMALL AMPHITHEATER AND HOPEFULLY CONNECTING THE SLAUGHTER CREEK WILD LANDS WITH THE BARTON CREEK HIKE AND BIKE TRAILS. THANKS A LOT.

Thomas: THANK YOU.

CAN SOMEONE START MY TIMER, PLEASE? HI, AUSTIN, WHAT A BEAUTIFUL DAY TO CELEBRATE IT WAS TO CELEBRATE THE REVEREND MARTIN LUTHER KING, JR.'S BIRTHDAY AND TODAY A CLOUDY, WARM SPRING-LIKE WINTER DAY. CITY MANAGER JOE CANALS, MAYOR DANNY THOMAS, SORRY WE DON'T HAVE ENOUGH TIME TO MAKE AUSTIN A BETTER PLACE WHILE YOU'RE MAYOR, COUNCILMEMBERS LEFFINGWELL, LEE, KIM, BREWSTER MCCRACKEN, I'M JENNIFER GALE CANDIDATE FOR GOVERNOR. AUSTIN AMERICAN-STATESMAN, CHANNEL 8 NEWS, DAILY TEXAN CONTINUE TO SAY THEY CAN'T GET AHOLD OF ME, ALTHOUGH I CAN BE REACHED AT JENNIFERGALE2003 AT YAHOO.COM. IF YOU WOULD TELL THEM JENNIFERGALLEY 2003@YAHOO.COM OR LOOK IT UP ON THE INTERNET WITH THE CITY CLERK'S OFFICE. I'M ASKING THE CITY COUNCIL FOR INTERVENTION FOR THE CAPITAL METRO TRANSPORTATION AUTHORITY STRIKE THAT'S COMING UP ON MONDAY. I DON'T WANT THIS TO HAPPEN. THOUSANDS OF AUSTINITES, THOSE LIVING AROUND AUSTIN WILL LOSE THEIR JOBS BECAUSE THEY WILL HAVE NO WAY OF GETTING TO WORK. THEIR INCOME WILL CEASE. JUST AS THE INCOME OF OUR BUS OPERATORS ARE GOING TO CEASE IF THEY ARE

NOT ALLOWED TO 10 10 CONTINUE WORKING. THE CAPITAL METRO TRANSPORTATION AUTHORITY HAS NOT BEEN DEALING IN GOOD FAITH THROUGH STAR TRANS AND THE U.T. SHUTTLE SYSTEM. NEITHER HAVE A CONTRACT. AFTER ALL OF THESE MONTHS, THAT'S ABSURD. PEOPLE, THE CITY OF AUSTIN NEEDS TO GET ALTERNATIVE TRANSPORTATION AND TAKE BUSES, THEY NEED TO GET BIKES. THEY NEED TO GET TAXIS. CAR POOL. IF YOU HAVE ANY QUESTIONS, CALL 474-1200, AT CAPITAL METRO. 474-1200. THE STRIKE IS GOING TO BEGIN MONDAY. LET'S KEEP AN EYE OUT FOR OUR CHILDREN WHO ARE GOING TO BE RIDING THEIR BIKES TO SCHOOL BECAUSE THE BUSES ARE NO LONGER THERE. SO NOT ONLY WILL PEOPLE LOSE THEIR JOBS, BECAUSE THEY HAVE NO WAY TO GET TO WORK, THEIR LIVES WILL BE SPENT HAVING TO GET ANOTHER JOB. SO I'M ALSO SAYING TO THE BUS OPERATORS TO GET ANOTHER JOB. SO I'M ASKING THE CITY COUNCIL TO ARBITRATE THAT AS SOON AS POSSIBLE. RIGHT AFTER THIS MEETING. I WOULD LIKE TO TALK ABOUT THE PARK POLICE. BUT BEFORE I DO, JOHN, MY FRIEND JOHN RAMMINGTON DIED, A LAWYER -- I'M SORRY A LIBRARIAN AT THE U.T. LAW SCHOOL, A WONDERFUL MAN, HE WILL BE BURIED TOMORROW. THE PARK POLICE AND A.P.D. NEED RECRUITS RIGHT NOW. WE HAVE PARK POLICE OFFICERS THAT HAVE DIED IN THE LINE OF DUTY AND YET THEY MAKE SEVERAL THOUSAND DOLLARS LESS. AS YOU CAN SEE ON THE FIRST PIECE OF PAPER [BUZZER SOUNDING]

MAY I HAVE 30 MORE SECONDS, MAYOR.

Thomas: FIVE SECONDS.

FIVE SECONDS. OKAY. BEGINNING OFFICER MAKES 44,000. AND A FIRST YEAR MAKES 50,000. PARK POLICE MAKES SEVERAL THOUSAND YES. THIS WEEKEND AT -- ON SATURDAY AT DISCH-FALK FIELD WE HAVE ALUMNI GAME. I WILL SEE EVERYONE THERE AT NOON. THANK YOU.

Thomas: THANK YOU. MR. -- NEXT PERSON WILL BE BRUCE PERRIN AND THEN TARRY DAMRAU.

GOOD AFTERNOON, MAYOR PRO TEM AND COUNCIL, MY NAME IS BRUCE PERRIN, I'M WITH THE OAK HILL

ASSOCIATION OF NEIGHBORHOODS. FIRST I WOULD LIKE TO START OUT BY ECHOING RICK PERKINS' COMMENTS ON THE CITY PLANNING PROCESS. THE STAFF ARE DOING A GREAT JOB. GUIDING US THROUGH THIS. AND WE LOOK FORWARD TO THE RESULTS. OAK HILL HAS A RICH AND UNIQUE HISTORY BEGINNING IN 1840 AS A SMALL COMMUNITY OUTSIDE OF THIS HUGE METROPOLIS CALLED AUSTIN, TEXAS. BY THE 1880S, OAK HILL HAD GROWN TO A POPULATION OF OVER 200 AND WAS A MAJOR SUPPLIER OF THE LIMESTONE FOR THE STATE CAPITOL BUILDING. IN FACT IT MAY BE OF INTEREST TO NOTE THAT OUR COMMUNITY IS RUMORED TO BE THE LOCATION OF THE FIRST LABOR STRIKE IN THE STATE OF TEXAS. I'M NOT SURE WE WANT TO CLAIM THAT, BUT THAT'S WHAT -- WHAT WE UNDERSTAND. OVER THE YEARS, OUR COMMUNITY HAS BEEN ASSIMILATED INTO THE CITY OF AUSTIN AND HAS GROWN TREMENDOUSLY. NOW NUMBERING SOMEWHERE ON THE ORDER OF 75,000 RESIDENTS. CITY OF AUSTIN DEMOGRAPHIC FORECASTS INDICATE THAT BY THE YEAR 2020, WE MAY HAVE AS MANY AS -- AS 240,000 RESIDENTS. OVER TWO YEARS AGO, OHAN AND OTHERS BEGAN THINKING ABOUT THE FUTURE OF THE GREATER OAK HILL AREA. WE BEGAN A COMMUNITY PLANNING AND VISIONING PROCESS AND ENGAGING AS MANY FOLKS AS WE CAN, COULD, FROM THE COMMUNITY TO IDENTIFY THE WANTS AND NEEDS OF OUR RESIDENTS. AND VERY RECENTLY, AT THE URGING OF OUR COMMUNITY, THE CITY OF AUSTIN BEGAN THE NEIGHBORHOOD PLANNING PROCESS IN EARNEST FOR US. THE RESULTS OF OAK HILL'S VISIONING PROCESS AND WHAT'S -- WHAT IS COMING OUT OF THE OAK HILL AUSTIN PLAN, TELL US THAT -- THAT OUR RESIDENTS WANT A ROBUST, PEDESTRIAN AND ENVIRONMENTALLY FRIENDLY COMMUNITY THAT PROVIDES OPPORTUNITIES FOR LOCAL EMPLOYMENT AND SERVICE PROVIDERS. SOMETHING THAT WE DON'T HAVE RIGHT NOW AND HAVEN'T FOR YEARS. MAYBE NEVER. IN SHORT WE WANT TO BE ABLE TO EAT, SLEEP, WORK AND PLAY WITHOUT HAVING TO LEAVE OAK HILL. WE DON'T CLAIM THAT THESE RESULTS SPEAK FOR EVERYONE. BUT THEY DO REPRESENT THE WISHES OF A VAST MAJORITY OF THE PEOPLE. IN OUR AREA. AN IMPORTANT FIRST STEP TO THIS VISION THAT'S COMING OUT IS THE CRITICAL NEED TO PROVIDE SIGNIFICANT LOCAL

EMPLOYMENT FOR OUR RESIDENTS, FOR OUR COMMUNITY. OUR VISION CANNOT BECOME A REALITY WITHOUT THIS. WITH THAT IN MIND, THE -- THE A.M.D. MOVE TO OAK HILL IS A -- AN ABSOLUTELY CRITICAL AND ENABLING FIRST STEP TO BUILDING THE COMMUNITY THAT OUR RESIDENTS HAVE SAID THAT THEY WANT. A.M.D.'S INCLUSIVENESS IN THE PLANNING FOR THIS PROJECT [BUZZER SOUNDING]

I'M ABOUT TO WRAP UP. SO THAT THEY ARE COMMITTED CORPORATE CITIZEN. AND THE KIND OF NEIGHBOR THAT WE WANT. THEY HAVE GONE ABOVE AND BEYOND BEING INCLUSIVE TO OUR COMMUNITY IN THE PROCESS OF DESIGNING THIS PROJECT. WE LOOK FORWARD TO HAVING SUCH A GOOD COMMUNITY PARTNER IN OAK HILL. WE APPRECIATE YOUR ONGOING COMMITMENT TO HONORING THE WISHES OF OUR COMMUNITY AND HELPING US BUILD THE OAK HILL THAT WE ALL WANT. THANK YOU VERY MUCH.

THANK YOU, SIR.

GOOD AFTERNOON, MAYOR PRO TEM AND MEMBERS OF THE COUNCIL. I'M TARRY DAMRAU. AND I'VE BEEN A RESIDENT OF OAK HILL THE PAST 22 YEARS. AND PAST PRESIDENT OF THE OAK HILL BUSINESS AND PROFESSIONAL ASSOCIATION. 22 YEARS AGO, OAK HILL CONSISTED OF A FEW SHOPS AND BUSINESSES AT THE Y. THE INTERSECTION OF HIGHWAY 290 AND 71 WEST. AS YOU KNOW, IT HAS GROWN SIGNIFICANTLY AND IS BECOMING THE HUB OF SOUTHWEST AUSTIN. THE CITY OF AUSTIN STARTED NEIGHBORHOOD PLANNING FOR OAK HILL THIS PAST FALL. I HAVE ATTENDED EVERY MEETING AND I WANT TO THANK THE COUNCIL FOR SETTING UP THESE PLANNING SESSIONS. WE APPRECIATE THE OPPORTUNITY FOR OAK HILL STAKEHOLDERS TO PARTICIPATE IN CREATING THE COMPREHENSIVE PLAN AND A SHARED VISION FOR OAK HILL. ONE OF THE TOPICS THAT HAS BEEN DISCUSSED IN THESE PLANNING SESSIONS IS THE RELOCATION OF A.M.D. TO OAK HILL. IT'S VERY CLEAR THAT THE OAK HILL STAKEHOLDERS, BOTH RESIDENTS AND BUSINESSES, WELCOME A.M.D. THE A.M.D. PROJECT WILL HELP OAK HILL MEET AN IMPORTANT GOAL OF ESTABLISHING SUSTAINABLE MIXED USE DEVELOPMENTS. A.M.D. IS SETTING THE STANDARD FOR SUSTAINABLE DEVELOPMENT BY DESIGNING THE FIRST CLASS CAMPUS

USING ADVANCED GREEN BUILDING TECHNIQUES WITH GOLD LEVEL CERTIFICATION. THIS LEVEL OF CERTIFICATION IS A PRESTIGIOUS ACHIEVEMENT THAT CAN PROTECT THE ENVIRONMENT AND CONSERVE ENERGY. IT'S A MODEL FOR OTHERS TO FOLLOW AS AUSTIN AND OAK HILL CONTINUES TO GROW. I WANT TO THANK THE COUNCIL, ALSO, FOR NOT PLAYING THE SYMBOLIC RESOLUTION GAME AGAINST A.M.D. AND OTHER MAJOR EMPLOYERS. AUSTIN PUT TO REST THE ENVIRONMENTAL AND DEVELOPMENT AWARDS IN THE 1990S, AND VOTERS ARE READY TO MOVE FORWARD AND FOCUS ON THE ISSUES SUCH AS ECONOMIC DEVELOPMENT, INFRASTRUCTURE AND EDUCATION. WE ARE EXCITED TO HAVE A.M.D. BECOME A PART OF OAK HILL. THEY HAVE BEEN A MODEL CORPORATE CITIZEN IN AUSTIN FOR MORE THAN 25 YEARS, THOUSAND THEY WILL BE AN ACTIVE AND IMPORTANT PART OF OUR OAK HILL COMMUNITY. THE AUSTIN AMERICAN-STATESMAN EDITORIAL LAST FRIDAY SUPPORTED A.M.D.'S RELOCATION. IT'S STATED "A.M.D. HAS MORE THAN MET THE CITY'S ENVIRONMENTAL RESTRICTIONS. THIS PROJECT IS TO BE APPLAUDED NOT ATTACKED." IT ALSO STATED THAT "MOST OF THE COMMUNITY INCLUDING NEARBY OAK HILL SUPPORTS A.M.D.'S PROJECT." WE BELIEVE THIS IS TRUE. YOU CAN SEE BY OUR ATTENDANCE TODAY THAT -- THAT WE DO WELCOME A.M.D. TO OAK HILL AND LOOK FORWARD TO THAT MOVE INTO OUR NEIGHBORHOOD WHERE WE CAN GROW, LIVE AND WORK TOGETHER. THANK YOU.

THANK YOU, SIR. NEXT SPEAKER IS KEN THORNTON. KEN THORNTON? OKAY. THEN OUR LAST SPEAKER WILL BE PAT JOHNSON. I HAVE THREE SUBJECTS I WANT TO TALK ON TODAY, THE MOST PRESSING ISSUES IS OUR CALL TAKERS FOR 311 ARE BEING VERBALLILY ABUSED BY THE PUBLIC SO BADLY IT'S VERY FRUSTRATING. DURING CERTAIN TIMES UP THERE AT C TECH, LIKE BETWEEN 10 AND 1:00 A.M. IN THE MORNING, WE ONLY HAVE THREE TO FOUR CALL TAKERS ANSWERING THE PHONE FOR 311. THEN WHEN YOU HAVE THAT MANY CALL PAPERS HOLDING -- CALL TAKERS HOLDING NINE TO 10 CALLS, YOU WAIT ON HOLD FOR 15 MINUTES IT GRETS FRUSTRATED. THEN WHEN YOU HEAR THE MESSAGE IF YOU WOULD LIKE TO LEAVE YOUR NAME AND NUMBER AND HAVE SOMEONE CALL YOU BACK, PRESS 1

GUESS WHAT HAPPENS WHEN YOU PRESS 1? YOU GET THE MESSAGE THE PERSON AT SUCH AND SUCH MAILBOX DOES NOT SUBSCRIBE TO THE SERVICE, IT DISCONNECTS YOU. OUR CITIZENS DESERVE BETTER. IT'S NOT OUR CALL TAKERS FAULT BECAUSE THEY HAVE TO SIT THERE AND TAKE THE INFORMATION. BUT THE FIRST FIVE MINUTES OF THAT CONVERSATION ARE CALLED EVERYTHING UNDER THE WORLD. OUR CITIZENS DESERVE MORE. IT'S NO DIFFERENT THAN ANGELA AND DANA AND OLIVIA THAT WORK UP AT THE FIFTH FLOOR AT THE CHIEF'S OFFICE, THEY GET AN EARFUL EVERY DAY. WHY OUR CITIZENS HATE THE POLICE DEPARTMENT JUST BOGGLES MY MIND. BUT WHEN YOU CALL THE POLICE DEPARTMENT AND YOU CAN'T GET NOBODY TO ANSWER THE PHONE, THAT'S A SERIOUS ISSUE. MY FATHER TOLD ME YEARS AGO, SON, WHEN YOU GUY SOMETHING, IF IT DON'T WORK, YOU TAKE IT BACK AND GET ANOTHER ONE. IS IT THAT NOBODY HAS THE GUTS TO ADMIT THAT WE SUNK SO MUCH MONEY INTO THIS [INDISCERNIBLE] SOFTWARE THAT IT'S NOT WORTH THE CAUSE? IT MAY WORK FINE FOR A.F.D. AND E.M.S., BUT IT CANNOT HANDLE THE LOAD THAT A.P.D. HAS. THE CITY OF HOUSTON HAD THE SAME PROBLEM. AND FINALLY THEIR LEADERS COME FORWARD AND SAID WE'VE HAD ENOUGH. WE HAVE GOT TO DO SOMETHING ELSE. SOMETHING THAT'S GOING TO BENEFIT OUR CITIZENS. I TALKED TO CALL TAKERS ON A REGULAR BASIS. I CALL A LOT TO THOSE PEOPLE FOR A LOT OF DIFFERENT ISSUES. SOME OF THE VETERAN CALL TAKERS OUT THERE, IT'S NOT UNCOMMON TO HEAR THEM SAY THIS IS A PIECE OF JUNK. IT'S NOT THE COMPUTER EQUIPMENT THAT WE HAVE. IT'S THE SOFTWARE. THAT'S LIKE PUTTING DIESEL IN A GASOLINE CAR, IT'S NOT GOING TO RUN CORRECTLY. I JUST ASK THAT COUNCIL PLEASE, IF YOU HAVE TO DO IT IN A PRESS RELEASE, TELL THE PUBLIC WHAT THE PROBLEM IS. THE CITY MANAGER MADE A COMMENT AT THE LAST MEETING AT THE END OF THE 2:00 P.M. BRIEFING WITH THE POLICE DEPARTMENT THAT COME MARCH, THERE'S GOING TO BE A 90 SECOND RESPONSE. IS THAT 90 SECONDS FROM THE TIME THE CALL TAKER TAKES THE CALL AND THE CAD ACTUALLY GENERATE THE CALL TO THE DISPATCHER, THERE'S JUST NO WAY POSSIBLE THAT THREE CALL TAKERS THAT THE CITIZENS IS GOING TO BE ABLE TO TALK TO A 311 CALL TAKER IN 90 SECONDS.

[BUZZER SOUNDING] THANK YOU VERY MUCH.

Thomas: THANK YOU, SIR. IF WE CAN ANSWER THAT QUESTION, I DID OBSERVE THE CITY MANAGER WAS TALKING ABOUT THE 311 WHEN WE HAD THE TRAFFIC MANAGEMENT PRESENTATION LAST WEEK. COULD YOU --

[INAUDIBLE - NO MIC]

RUDY GARZA, ASSISTANT PUBLIC MANAGER WITH PUBLIC SAFETY WILL TRY TO ADDRESS THOSE QUESTIONS. [ONE MOMENT PLEASE FOR CHANGE IN CAPTIONERS]

I'M CERTAIN DURING STORMS, THERE'S GOING TO BE TIMES AND PEAKS THAT OUR SYSTEM IS STRESSED. HE TALKED ABOUT OUR CAD SYSTEM. OVER THE LAST SEVERAL MONTHS, WE HAVE GOTTEN TO A POINT WHERE IT'S FUNCTIONED VERY WELL FOR ALL OF THE AGENCIES, BUT WE CONTINUE TO WORK ON IMPROVING THAT. WE WILL FOLLOW UP TO THE MAYOR AND COUNCIL WITH SOME SPECIFICS BUT I DO HAVE -- MARSHA BROWN IS HERE, CAN SPEAK TO SOME DETAILS ABOUT THE CITY-WIDE CENTER. FOR THE CITY-WIDE INFORMATION CENTER WHEN YOU CALL 311, IT'S OPTION 2, THEN YOU HAVE A RESPONSE TIME OF APPROXIMATELY 12 SECONDS ON AVERAGE. AND THAT WOULD BE 100% OF THE CALLS ARE PICKED UP IN ABOUT 12 SECONDS ON AVERAGE. IN TERMS OF WHEN YOU GO TO OPTION 1, ROUTED TO THE NON-EMERGENCY SIDE FOR A.P.D., THEIR RESPONSE TIME FLUCTUATES AGAIN BASED ON THE NEEDS FOR THE 911 SIDE AND OF COURSE THE LENGTH OF THEIR CALLS ARE ALSO A LOT LONGER THAN THE ONES THAT GO TO CITY. WERE THERE OTHER QUESTIONS ABOUT PERFORMANCE?

MARSHA BROWN, FOR THE CITY-WIDE MANAGEMENT INFORMATION CENTER.

Thomas: THAT CONCLUDES OUR CITIZEN COMMUNICATION, COUNCIL WILL GO BACK INTO CLOSED SESSION FOR PRIVATE CONSULTATION WITH OUR ATTORNEY UNDER SECTION 551.071 OF THE OPEN MEETINGS ACT TO DISCUSS ITEM NO. 55. WE WILL BE IN EXECUTIVE SESSION. THANK

YOU.

Thomas: WE'RE BACK IN SESSION FROM EXECUTIVE SESSION. WE DID DISCUSS ITEM 55 AND THERE WAS NO DECISION MADE. WE'RE NOW OPEN FOR OUR 4:00 ZONING CASES. WE WILL HEAR FROM STAFF. ONE, TWO, THREE, FOUR.

ONE MORE TO DO SECOND READING. BUT I CAN DO THE OTHER CONSENT ITEMS.

Thomas: YOU'RE RIGHT, YOU NEED ONE MORE PERSON, RIGHT? FIVE, YEAH. IF YOU CAN DO THAT FOR ME, THANK YOU VERY MUCH.

I'LL PAUSE A MOMENT.

Thomas: OKAY. THANK YOU. THE ONES THAT WE NEED THE FOUR VOTES. GREG GUERNSEY, WE'RE GOING TO TRY TO DEAL WITH THE ONES THAT WE CAN DEAL WITH THE QUORUM WE HAVE PRESENT.

THANK YOU, MAYOR PRO TEM. MY NAME IS GREG GURNS WITH THE NEIGHBORHOOD PLANNING AND ZONING DEPARTMENT. THE 4:00 ZONING HEARINGS, APPROVAL OF ORDINANCES AND RESTRICTIVE COVENANTS. THE FIRST ITEM THAT I WOULD LIKE TO OFFER IS ITEM NUMBER 60 AND 61. THIS IS CASE NPA-05-0016.02 AT LEAST 5th AND ALLEN. AND THIS IS TO APPROVE SECOND AND THIRD READINGS OF AN ORDINANCE AMENDING ORDINANCE 030327-12. ITEM 61, SCORN 05-123, APPROVE SECOND AND READING ADING FOR THE PROPERTY LOCATED AT 3304 EAST 5th STREET. STAFF IS REQUESTING POSTPONEMENT OF BOTH CASES TO FEBRUARY 16. THAT'S ITEM 60 AND 61. ITEM 62 I'LL SKIP FOR NOW. WAITING FOR A FIFTH COUNCILMEMBER. ITEM NUMBER 63 IS CASE C14-05-0172 FOR PROPERTY LOCATED AT 9716 FM 2222. THE APPLICANT HAS REQUESTED A POSTPONEMENT IN ORDER TO CONTINUE WORKING WITH HIS ADJACENT PROPERTY OWNER AND THIS POSTPONEMENT REQUEST IS TO FEBRUARY 9th. ITEM 64, CASE C14H-04-0015, LOCATED AT 2700 EAST 12th STREET. THIS IS A REZONING REQUEST FROM SF-3-NP WHICH STAND FOR FAMILIARRY RESIDENCE NEIGHBORHOOD COME BUYING DISTRICT TO HISTORIC NEIGHBORHOOD PLANNING COMBINING DISTRICT ZONING

OR SF-3 HNP. COUNCIL HAD FIRST READING ON DECEMBER 2nd. AND STAFF IS RECOMMENDING ACTUALLY DENIAL OF THIS CASE. THE COUNCIL HEARD THIS REQUEST PREVIOUSLY ON THE FIRST OF DECEMBER OF LAST YEAR. THE CASE WAS WITHDRAWN BY STAFF AND ACTUALLY APPROPRIATE ACTION WOULD HAVE BEEN ACTUALLY TO DENY TO STOP THIS CASE. ITEM 65 IS CASE C14H-04-9020, JAMES AND MARY OWENS HOUSE, LOCATED AT 1809 EAST 13th FROM GENERAL COMMERCIAL SERVICES NEIGHBORHOOD PLAN, CSNP TO GENERAL SERVICES HISTORIC NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING AND STAFF RECOMMENDATION IS TO DENY THIS REQUEST. THIS WAS A COMPANION CASE WITH THE OTHER ONE THAT WAS ON DECEMBER 1st OF LAST YEAR WHICH SHOULD HAVE BEEN WITHDRAWN. CASE 66, C14-05-0137, A REQUEST FROM GENERAL COMMERCIAL SERVICES OR CS DISTRICT ZONING TO COMMERCIAL LIQUOR SALES, CONDITIONAL OVERLAY, COMBINING DISTRICT ZONING OR CS-1-CO. THE APPLICANT HAS REQUESTED A POSTPONEMENT. IT'S MY UNDERSTANDING THE NEIGHBORHOOD CONCURS AND THIS WOULD BE A POSTPONEMENT REQUEST TO FEBRUARY 9th. AND MAYOR PRO TEM, IF I MAY GO BACK, ITEM 62, WE HAVE MORE COUNCILMEMBERS TO DAIS, WE CAN CONSIDER 62 ON SECOND AND THIRD READINGS. ITEM 62, CASE C14-0 # 4-0206, THE PARKE CORNERS SECTION, APPROVE SECOND AND THIRD READINGS WITH PROPERTY LOCATED AT 7400 RM 620 NORTH AND 11620 BULLICK HOLLOW ROAD FROM INTERIM RR TO COMMUNITY COMMERCIAL CONDITIONAL OVERLAY AND THIS IS READY FOR SECOND AND THIRD READINGS. SO THAT CONCLUDES THE FIRST PART OF OUR AGENDA.

Thomas: ALL RIGHT. MR. GUERNSEY, YOU SAID ITEMS 60 AND 61 IS POSTPONED UNTIL FEBRUARY THE 16th?

CORRECT.

Thomas: AM I CORRECT? ITEMS 62 SECOND AND THIRD READING. ITEM 62, I MEAN, SECOND AND THIRD READING. ITEM 63, IS THAT CORRECT, SECOND AND THIRD READING ALSO?

62 IS CONSENT FOR SECOND AND THIRD READING. ITEM 63 IS A POSTPONEMENT REQUEST BY THE APPLICANT TO FEBRUARY 9th.

Thomas: AND 64 IS -- AND 65 WAS THE DENIAL FOR HISTORIC ZONING.

THAT'S CORRECT.

Thomas: AND 66 WAS POSTPONED, RIGHT.

THAT'S CORRECT, POSTPONEMENT TO FEBRUARY 9th  
FEBRUARY 9th.

Thomas: 64 AND 65 IS THAT DISCUSSION ITEM OR ARE WE GOING TO --

AS I INDICATED, THESE ARE CASES THAT WERE ACTUALLY PRESENTED TO COUNCIL LAST DECEMBER FOR WITHDRAWAL BECAUSE THE COST. THE OWNER WAS TRYING TO REHABILITATE THESE BUILDINGS, AND AFTER DISCUSSION WITH THE HISTORIC PRESERVATION OFFICER DETERMINED THE COST WAS EXTREMELY HIGH. STAFF RECOMMENDED THESE CASES BE DENIED. INADVERTENTLY WE HAD RECOMMENDED THE CASE BE WITHDRAWN AND OUR CORRECT RECOMMENDATION SHOULD BE THEY SHOULD BE DENIED FOR BOTH 64 AND 65. SO WE'RE BRINGING THEM BACK TO RESET OUR ACTION THAT WE DID BACK IN DECEMBER.

Thomas: OKAY. ALL RIGHTY. WE'LL ENTERTAIN ON MOTION TO ITEMS THAT WE JUST WENT OVER. ANY QUESTIONS ON ITEMS 60 ALL THE WAY TO 66? COUNCILMEMBER McCracken.

McCracken: WE WERE JOKING A FEW WEEKS AGO ABOUT DOING A DENIAL ON THE CONSENT AGENDA AND WE'RE ACTUALLY DOING IT TODAY. SO I'LL MOVE TO APPROVE THE CONSENT AGENDA AS PRESENTED. OR AS IT MAY BE TO DENY.

Thomas: ALL RIGHT. IT'S BEEN MOVED BY COUNCILMEMBER McCracken AND SECONDED BY COUNCILMEMBER

DUNKERLEY. ARE THERE ANY QUESTIONS, ANY OTHER DISCUSSIONS ON THE OTHER ITEMS? IF NOT, WE'LL -- ALL IN FAVOR, LET'S ALL SAY AYE. ANY OPPOSED? MOTION PASSES ON 6-0 WITH THE MAYOR OFF THE DAIS. NEXT WILL BE THE Z CASES.

THANK YOU, MAYOR PRO TEM. THE NEXT NUMBERS ARE ZONING AND NEIGHBORHOOD PLAN AMENDMENTS. THE FIRST ITEM IS Z-1, C14-05-0169 FOR PROPERTY LOCATED AT NORTH INTERSTATE HIGHWAY 35 AT BRATTON LANE, REQUEST FROM I OBJECT RIM RURAL RESIDENCE AND COMMERCIAL -- GENERAL COMMERCIAL SERVICES- CONDITIONAL OVERLAY COMBINING DISTRICT TO LIMITED INDUSTRIAL SERVICES ZONING. THE REQUEST WAS HELPED BY THE ZONING AND PLATTING COMMISSION SUBJECT TO A T.I.A., TRACT IMPACT ANALYSIS. AND THIS IS READY FOR ALL THREE READINGS. THE NEXT ITEM I'D OFFER IS Z-2, CASE C14-05-0168 FOR PROPERTY LOCATED AT 7900 THAXTON ROAD, REZONING REQUEST FROM INTERIM RURAL RESIDENCE DISTRICT ZONING TO COMMUNITY COMMERCIAL OR GR DISTRICT ZONING. THE ZONING AND PLATTING COMMISSION DID RECOMMEND THIS REZONING REQUEST. IT'S READY FOR FIRST READING ONLY. WITH A CONDITION -- WITH THE FOLLOWING CONDITION THAT THE CITY WILL ACCEPT A RESTRICTIVE COVENANT FOR THE CONDITIONS OF THE NEIGHBORHOOD TRAFFIC ANALYSIS AS RECOMMENDED BY STAFF. WITH THE EXCEPTION THAT -- WITH THE EXCEPTION THAT THE PROPERTY LIMITED ONLY TO 700 TRIPS UNLESS A TRAFFIC IMPACT ANALYSIS IS SUBMITTED TO THE CITY AND APPROVED. IN OTHER WORDS THAT IS CORRECT THE PROPERTY WOULD BE LIMITED TO A MAXIMUM 700 TRIPS. IF IN THE FUTURE THE APPLICANT WANTED TO ASK FOR MORE TRIPS, THEY WOULD HAVE TO SUBMIT A TRAFFIC IMPACT ANALYSIS THAT WOULD HAVE TO BE APPROVED AND REVIEWED BY STAFF BEFORE THEY COULD GET ANY MORE TRIPS. ITEM Z-3, C14-05-0111.06, 3,000 MONTOPOLIS DRIVE, A REQUEST FROM SF-2 LOT ZONING TO COMMERCIAL, GENERAL COMMERCIAL SERVICES OR CS ZONING. THE PLANNING COMMISSION RECOMMENDED THE CS ZONING AND READY FOR CONSENT APPROVAL FOR ALL THREE READINGS. ITEM Z-4, C14-05-0149 FOR THE PROPERTY LOCATED AT 3400 NORTHLAND DRIVE AND 5701 HIGH LAND

HILLS DRIVE. THE APPLICANT HAS REQUESTED A POSTPONEMENT OF THIS CASE. IT'S MY UNDERSTANDING THE NEIGHBORHOOD DEGREES NEIGHBORHOOD DOES NOT HAVE AN OBJECTION AND THE POSTPONEMENT IS PROPOSED FOR APRIL 6th OF THIS YEAR. APRIL 6th OF 2006. THE NEXT ITEM IS Z-5, THIS IS CASE C14-00-2062-RCA NUMBER 2 FOR PROPERTY LOCATED 807 EAST 11th STREET. STAFF IS RECOMMENDING POSTPONEMENT OF THIS ITEM TO FEBRUARY 16th. A RELATED ITEM IS NUMBER Z-6, WHICH IS CASE C14-00-2062 (RCA) (3) FOR 811 EAST 9th STREET AND 808 TO 818 EAST 8th STREET. STAFF IS ALSO RECOMMENDING POSTPONEMENT OF THIS CASE TO FEBRUARY 16th. THESE TWO ITEMS WOULD BE BROUGHT BACK ON THE 16th WITH A RELATED OR A THIRD RESTRICTIVE COVENANT FOR YOU TO CONSIDER AND WE'RE TRYING TO BRING THEM ALL TOGETHER. ITEM Z-7, CASE C14-04-0030, THIS IS PROPERTY LOCATED AT 1405 AND 1415 EAST RIVERSIDE DRIVE. AS YOU MAY RECALL, THIS IS A CASE THAT HAS BEEN IN MEDIATION FOR SEVERAL MONTHS, ALMOST A COUPLE YEARS NOW. BOTH BOATERS PEARTSD, THE NEIGHBORHOOD AND PROPERTY OWNER, ARE NEGOTIATING IN GOOD FAITH. THEY WILL HAVE MEETINGS SET UP FOR NEXT MONTH, AGAIN TO DISCUSS THIS. SO STAFF IS RECOMMENDING THAT THIS CASE WITH BOTH THE APPLICANT AND THE INTERESTED PARTIES WORKING MEDIATION ALL IN AGREEMENT TO POSTPONE THIS TO MARCH 23rd. WE WOULD OFFER THAT AS A CONSENT ITEM. ITEM NUMBER Z-8, CASE C14-05-0112.01, EAST RIVERSIDE/OLTORF, A REZONING REQUEST AT 1902-1912 EAST RIVERSIDE FROM COMMERCIAL LIQUOR SALES ZONING TO COMMUNITY COMMERCIAL DISTRICT ZONING WHICH IS G.R. PLANNING COMMISSION RECOMMENDED THIS REZONING REQUEST AND THIS IS READY FOR FIRST READING. Z-9, C14-05-0112.02. THIS IS CONDUCT A PUBLIC HEARING AND APPROVE AN ORDINANCE FOR PROPERTY LOCATED AT 2410 EAST RIVERSIDE DRIVE. THIS IS A REZONING REQUEST FROM C.S. ZONING TO COMMUNITY COMMERCIAL DISTRICT ZONING. THE PLANNING COMMISSION RECOMMENDATION IS TO GRANT COMMUNITY COMMERCIAL DISTRICT ZONING. THIS IS READY FOR FIRST READING ONLY. ITEM NUMBER Z-10, C14-05- C14-05-0112.03, EAST RIVERSIDE/OLTORF NEIGHBORHOOD PLAN AREA.

TRACT 31. THIS IS A REZONING AT 2410 EAST RIVERSIDE FROM COMMERCIAL LIQUOR SALES DISTRICT ZONING TO COMMUNITY COMMERCIAL DISTRICT ZONING. AND THE PLANNING COMMISSION RECOMMENDED COMMUNITY COMMERCIAL DISTRICT ZONING AND THIS IS READY FOR FIRST READING ONLY. I UNDERSTAND, MAYOR, YOU HAVE ONE INDIVIDUAL THAT SIGNED UP OPPOSED TO ITEM Z-11 SO I WILL SKIP THAT ITEM. AND MOVE ON TO Z-12. C14-05-0113.03, THE EAST RIVERSIDE/OLTORF NEIGHBORHOOD PLAN, TRACTS 304 AND 305. THIS IS TO CONDUCT A PUBLIC HEARING FOR THE PROPERTIES LOCATED AT 5602, 56 ON 4, 5700 EAST RIVERSIDE RIVERSIDE DRIVE FROM SF-3 AND SF-1 -- EXCUSE ME, TO SINGLE-FAMILY LARGE LOT RESIDENTIAL DISTRICT, SF-1. AND TWO, CONNELL OVERLAY COMBINING MIXED USE. THE PLANNING COMMISSION RECOMMENDED THE SINGLE-FAMILY RESIDENCE LARGE LOT SF 1 FOR TRACT 304 AND RECOMMENDED NEIGHBORHOOD COMMERCIAL MIXED USE CONDITIONAL OVERLAY COMBINING DISTRICT FOR 305. THAT STANDS FOR LR-MU-CO. FIRST READING ONLY. Z-13 AND Z-14, I UNDERSTAND WE HAVE OPPOSITION TO THOSE TWO CASES SO I WILL NOT PRESENT THEM FOR CONSENT AT THIS TIME. I UNDERSTAND THERE ARE TWO INDIVIDUALS THAT ARE OPPOSED TO THE REZONING REQUEST. FINALLY Z-15 IS A POSTPONEMENT REQUEST BY THE APPLICANT. THIS IS CASE C14-05-0085 FOR THE PROPERTY LOCATED AT 11520 NORTH IH-35. IT'S A REZONING REQUEST FROM G.O. AND -- TO G.R. AND PLANNING AND ZONING COMMISSION RECOMMENDED LR-CO, BUT THE APPLICANT HAS REQUESTED POSTPONEMENT OF THIS CASE TO MARCH 2nd.

Thomas: ALL RIGHT. THOUGHT WE WERE GOING TO MAKE IT ALL THE WAY THROUGH. BUT WE HAVE Z-11 AND 13 AND 14 SO MY UNDERSTANDING IS THAT Z-1 IS ALL THREE READINGS. Z-2 IS FIRST READING AND A CONDITION ABOUT THE TRAFFIC IMPACT.

THAT'S CORRECT, MAYOR PRO TEM. THERE'S A RESTRICTIVE COVENANT THAT WOULD HAVE SOME LIMITATIONS ON THE NUMBER OF TRIPS THAT -- NUMBER OF TRIPS IF A TRAFFIC IMPACT IS SUBMITTED IN THE FUTURE.

Thomas: Z-3 ALL THREE READINGS.

THAT'S CORRECT.

Thomas: Z-4 POSTPONEMENT TO APRIL 2006.

THAT'S CORRECT.

Thomas: Z-5 AND Z-6 POSTPONEMENT TO FEBRUARY 16th OF '06.

THAT'S CORRECT.

Thomas: AND Z-7 POSTPONEMENT UNTIL MARCH 23 OF '06. Z-8, Z-8, Z-9 AND Z-10 WILL BE FIRST READING ONLY, RIGHT?

THAT'S CORRECT.

Thomas: Z-11 WE'LL DISCUSS. Z-12 IS IS FIRST READING ONLY. AND Z-13 AND 14 WE HAVE OPPOSITION. AND SO WE'LL LOOK AT Z-15 WILL BE POSTPONEMENT AND I DIDN'T GET THE DATE.

THAT WAS MARCH 2nd.

Thomas: MARCH 2nd. OKAY. THAT WILL BE OUR CONSENT AGENDA, COUNCIL. NEED TO -- COUNCILMEMBER LEFFINGWELL.

Leffingwell: JUST FOR CLARIFICATION, ALL THESE RIVERSIDE NEIGHBORHOOD PLAN ZONING CASES, NONE OF THOSE ARE N.P.?

NO. AT THE TIME WE ARE CURRENTLY WORKING WITH THE NEIGHBORHOODS AND PROPERTY OWNERS AND STAKEHOLDERS AND THESE ARE NON-CONTESTED. SO WHEN WE SPEAK TO ITEM Z-11, WHEN I HEAR FROM THE OPPOSITION ON THAT CASE, MAY ACTUALLY STOP AND RECOMMEND POSTPONEMENT ON THAT BECAUSE WE UNDERSTOOD THESE WERE ALL CASES WHERE EVERYONE WAS IN AGREEMENT. BUT WE'LL BE BRINGING BACK THE NEIGHBORHOOD PLAN CASES MOST LIKELY IN APRIL FOR YOU FOR THIS AREA. THESE ARE CASES WHERE STAFF

UNDERSTOOD THAT ALL PARTIES, PROPERTY OWNERS, INTERESTED NEIGHBORHOOD ASSOCIATIONS, NEIGHBORHOOD PLANNING TEAM, PLANNING COMMISSION STAFF ALL HAD AGREED THESE CASES COULD GO FORWARD AND NOT BE HELD. LOVE LOVE OKAY. I JUST WONDERED. ONE QUICK QUESTION, JUST TO CLARIFY, YOU SAID THE STAFF RECOMMENDATION WAS GR-CO AND YOU'VE EXPLAINED THAT. DOES THE ZAP CONCUR? IS THERE RECOMMENDATION EXACTLY THE SAME, THE STAFF'S?

ON Z-11?

Leffingwell: Z-2. SORRY.

ON Z-2, THERE WAS A COVENANT FOR A NEIGHBORHOOD TRAFFIC E.A.S STAFF HAD RECOMMENDED UNLESS A T.I.A. IS SUBMITTED SO THAT IS CORRECT.

Leffingwell: ZAP HAS THE SAME --

ZONING AND PLATTING DID AGREE.

Leffingwell: OKAY. THANK YOU.

Thomas: COUNCILMEMBER McCracken.

McCracken: ONE OF THE THINGS THAT HAD PROMPTED THE POSTPONEMENT OF THE RIVERSIDE, EAST RIVERSIDE/OLTORF CASES, AT THE LAST MEETING WAS TO GET SOME CLARIFICATION ABOUT THE INTEGRATION OF THE VERTICAL MIXED USE OVERLAY APPROVED IN DESIGN STANDARDS FOR TRANCE IT CORRIDORS AND HOW THAT WOULD INTEGRATE WITH INDIVIDUAL ZONING CASES ON A CORE TRANSIT CORRIDOR THROUGH A NEIGHBORHOOD PLAN. SO MR. GUERNSEY, ONE OF THE THINGS I HAD SEEN IN THE MEMO THAT'S ATTACHED AS BACKUP IS THAT THE VERTICAL MIXED USE OVERLAY, WHICH IS APPROVED BY ALL THE STAKEHOLDERS INCLUDING THE AUSTIN NEIGHBORHOOD COUNCIL, REAL ESTATE COUNCIL, LIVABLE CITY AND ALL THE OTHER MEMBERS OF THE STAKEHOLDER COMMITTEE, WAS APPROVED BY COUNCIL UNANIMOUSLY, THAT WILL TAKE EFFECT AT THE TIME OF CODIFICATION AND APPROVAL, AND WHATEVER ACTION WE TAKE ON INDIVIDUAL

ZONING CASES ON EAST RIVERSIDE WITHIN THE CORE TRANSIT CORRIDOR, THAT IN NO WAY INTERFERES WITH THE CREATION OF THE VERTICAL MIXED USE OVERLAY THAT THE COUNCIL HAS ALREADY APPROVED AS A POLICY FOR RIVERSIDE THROUGH DESIGN STANDARDS; IS THAT CORRECT?

THAT'S CORRECT. AND LATER WHEN YOU TAKE ACTION TO I GUESS APPROVE THE INTERIM ORDINANCE AND EVENTUALLY THE COMMERCIAL DESIGN STANDARDS, MOST LIKELY LATER THIS YEAR, IF THERE ARE PROVISIONS IN THOSE ORDINANCES THAT AFFECT THE EAST RIVERSIDE AREA, THESE ZONING CHANGES WOULD NOT PRECLUDE THAT FROM HAPPENING.

McCracken: IN FACT, ONE OF THE AREAS IN WHICH WE HAD REACHED CONSENSUS ON THIS IS THAT, FOR INSTANCE, WHEN A NEIGHBORHOOD PLAN HAS A ZONING CASE WITHIN A CORE TRANSIT CORRIDOR, OBVIOUSLY THE USES THAT ARE PROHIBITED IN THE NEIGHBORHOOD PLAN ARE JUST AS MUCH PROHIBITED UNDER THE VERTICAL MIXED USE OVERLAY. MY UNDERSTANDING FROM TALKING TO SOME OF THE NEIGHBORS WITHIN EAST RIVERSIDE IS THAT THEY HAVE NOT OPPOSED MIXED USE ON RIVERSIDE, THAT OUR CURRENT MIXED USE ORDINANCE DOES NOT YOU THE ACTUALLY GUARANTEE A MIX OF USES, WHEREAS THE VERTICAL MIXED USE PROVISIONS THAT THE COUNCIL HAS PASSED AND ARE BEING CODIFIED, THE PROVISIONS DO REQUIRE MIXED USES AND THAT IS SOMETHING THAT ACTUALLY HAS BEEN CONVEYED TO ME THROUGH NEIGHBORHOOD LEADERS THIS IS CONSIDERED A GOOD PROTECTION AND CONSISTENT WITH THEIR GOALS THROUGH THE NEIGHBORHOOD PLAN.

THAT'S MY UNDERSTANDING AS WELL. THE CURRENT MIXED USE ORDINANCE DOES NOT MANDATED TORELY REQUIRE A MIXTURE OF USES AT THIS TIME, BUT THE PROPOSED COMMERCIAL ZONING STANDARDS WOULD CALL FOR A MIX OF USES.

MCCRACKEN: THANK YOU, MR. GUERNSEY. BLANK BASED ON THIS, I WILL MOVE TO APPROVE THE CONSENT AGENDA AS

READ. ARIZONA

Alvarez: SECOND. AND JUST TO CLARIFY ALSO THE -- FOR Z-5 AND Z-6, IT'S POSTPONEMENT TILL FEBRUARY 16th?

THAT'S CORRECT. BLANK.

Thomas: IT'S BEEN MOVED BY COUNCILMEMBER McCracken, SECONDED BY COUNCILMEMBER ALVAREZ. ANY OTHER DISCUSSIONS OR QUESTIONS?

DOES THE MOTION ALSO INCLUDE CLOSING THE PUBLIC HEARING?

Thomas: THAT'S RIGHT, CLOSING THE PUBLIC HEARING. ANY OTHER QUESTIONS, DISCUSSIONS? IF NOT, LET US ALL SAY AYE. OPPOSED? MOTION PASSES ON 6-0 WITH THE MAYOR OFF THE DAIS. [ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS]

... HAS JUST -- OR THIS WEEK WE'RE GOING TO HAVE CONVERSATION WITH THEM LOOKING AT LANGUAGE OF THE CURRENT DESIGN STANDARD. IT WILL ACTUALLY BE TWO STEPS. FIRST WILL BE THE VERTICAL MIXED USE OR THE INTERIM ORDINANCE THAT WILL COME TO YOU, THAT WILL BE SOMETHING OPTIONAL THAT A PROPERTY OWN CAN TAKE ADVANTAGE OF AND THEN THE MORE FORMAL COMMERCIAL DESIGN STANDARDS THAT WOULD APPLY TO POSSIBLY THIS ROADWAY AND MANY OTHER ROADWAYS IN THE CITY OF AUSTIN THAT WILL SPEAK TO DESIGN STANDARDS, AND THAT WILL BE COMING BACK LATER. I DON'T HAVE A PRECISE DATE AT THIS TIME. BUT IT SHOULD BE FAIRLY QUICK.

COUNCILMEMBER, MY UNDERSTANDING, I -- MY STAFF GOT BRIEFED ON THIS ABOUT TWO DAYS AGO AND MY UNDERSTANDING IS THAT WE WILL BE TAKING FINAL ACTION ON THE FINAL ORDINANCE THIS SPRING AND WHEN ONE OF THE IMPORTANT REASONS WHY IS THAT COUNCILMEMBER ALVAREZ AND MYSELF AND MAYOR PRO TEM GOODMAN WERE THE THREE SPONSORS, AND THE DESIGN STANDARDS ORDINANCE INCLUDES INITIATIVES THAT COUNCILMEMBER ALVAREZ AND MYSELF AND MIERP GOODMAN HAD BEEN

WORKING ON IN DIFFERENT FASHIONS THAT WERE INTEGRATED IN THIS. SO COUNCILMEMBER W. THE ASSURANCE I'VE GOTTEN, I THINK IT WOULD BE GOOD FOR YOU TO GET IT TOO, IS THAT THIS WILL HAPPEN NO LATER THAN MAY, BECAUSE WE NEED FOR YOU AND ME, TWO AUTHORS ON THE DAIS STILL HERE, TO HAVE INSTITUTIONAL MEMORY TO BRING CODIFICATION.

JUST CURIOUS BECAUSE SOME TIMES THERE MAY BE AN AGREEMENT THAT -- YOU KNOW FROM, THE NEIGHBORHOODS OR OTHER STAKE HOLDERS AND THEN 6 MONTHS LATER IS WHEN WE GET TO ADOPTION AND THEN THERE ISN'T AGREEMENT AND SO OBVIOUSLY IF THERE WASN'T AGREEMENT RIGHT NOW OR KIND OF AN UNOFFICIAL AGREEMENT, THEN MAYBE WE WOULD BE MOVING FORWARD WITH AN MU ATTACHED TO SOME OF THESE ZONING CASES AND SO THAT IS REALLY WHY I WAS ASKING, AND BUT I APPRECIATE YOU MAKING THE -- YOU CLARIFYING THAT. THANK YOU.

Thomas: ANY OTHER COMMENTS ON Z-11? IF NOT, WE'LL MAKE NOTE THAT STAFFS WANTS TO PULL DOWN Z-11 AND COME BACK AT A LATER DATE. ALL RIGHT, WE GO TO Z-13 AND 14.

Z-13 IS A NEIGHBORHOOD PLAN AMENDMENT REQUEST FOR PROPERTY LOCATED AT 704 GUNTER STREET AND THIS IS A CHANGE FROM COMMERCIAL TO MIXED USE. THE PLANNING COMMISSION DID RECOMMEND THE STAFF RECOMMENDATION FOR THE NEIGHBORHOOD PLAN AMENDMENT, AND THE JOINT OR THE RELATED CASE IS ITEM Z-14 WHICH IS THE REZONING REQUEST FOR THE SAME PROPERTY. CASE C 405-0122. AGAIN, 704 GUNTER STREET, AND THIS IS A REZONING REQUEST FOR GENERAL COMMERCIAL SERVICES, CONDITIONAL OVERLAY, COMBINING DISTRICT ZONING TO CS-MU-CO-NP WHICH STANDS FOR GENERAL COMMERCIAL SERVICES MIXED USE CONDITIONAL OVERLAY NEIGHBORHOOD PLAN COMBINING DISTRICT ZONING. THE ZONING AND PLANNING -- OR THE PLANNING COMMISSION DID RECOMMEND THE REZONING REQUEST AND RECOMMENDED THAT THE APPLICANT PURSUE A PRIVATE COVENANT WITH THE ADJACENT PROPERTY OWNER. THIS WOULD BE THE PROPERTY OWNER

FOR THE PROPERTY ACTUALLY FR ON 7th WHICH IS DIRECTLY SOUTH OF THIS PROPERTY TO COME UP WITH AN AGREEMENT WHERE BOTH PARTIES COULD WORK AND GO FORWARD. THERE IS A VALID PETITION THAT COULD BE FILED BY THAT PROPERTY OWNER TO THE SOUTH AND THAT PROPERTY OWNER IS WILLING TO WITHDRAW IT IF AN AGREEMENT CAN BE REACHED BUT THERE IS NOT AN AGREEMENT YET REACHED AT THIS TIME. THERE WERE SOME AGREED PROHIBITED USES WHICH WOULD INCLUDE ADULT ORIENTED BUSINESSES, KENNELS, RESIDENTIAL TREATMENT, CAMP GROUND, PAWN SHOP SERVICES AND VEHICLE STORAGE, OTHERS THAT WOULD BE MADE RECOMMENDED BY THE COMMISSION WHICH WOULD BE AGRICULTURAL SERVICES AND SALES, LAUNDRY SERVICES, LIMITED WAREHOUSE DISTRIBUTION, CONSTRUCTION SALES AND SERVICES, BUILDING MAINTENANCE SERVICES AND EQUIPMENT SALES, WE HAVE SPOKEN TO THE APPLICANT AND ALSO TO THE ADJACENT PROPERTY OWNER, THEY'RE WORKING ON THE PRIVATE AGREEMENT. BOTH OF THOSE PARTIES AGREED TO ALLOW THE CASE TO GO FORTH FOR FIRST READING TODAY AND THEN ASKED THAT THE AGREEMENT BE FINALIZED PRIOR TO COMING BACK FOR SECOND AND THIRD READING. THIS WOULD BE A PRIVATE AGREEMENT BETWEEN THE TWO PARTIES, I UNDERSTAND THAT YOU HAVE SIGNED UP THIS EVENING ABOUT ADDITIONAL PARTY THAT IS OPPOSED TO THE REZONING REQUEST. SO AT THIS TIME I WILL PAUSE. IF YOU HAVE ANY QUESTIONS, I WILL BE HAPPY TO ANSWER THEM AT THIS TIME. A NEIGHBORHOOD PLAN AMENDMENT AND A ZONING REQUEST FOR THE PROPERTIES AT 704 GUNTER STREET. >>

Thomas: ANY QUESTIONS FOR STAFF?

Alvarez: SO FOR NOW, IF I COULD, MAYOR PRO TEM.

Thomas: GO AHEAD, COUNCILMEMBER.

Alvarez: IT APPEARS THAT EVERYONE IS COMFORTABLE MOVING FORWARD ON FIRST READING AND THEN WE'LL DETERMINE WHEN IT COMES BACK FOR SECOND AND THIRD IF THE AGREEMENT -- THEY WERE ABLE TO REACH THE AGREEMENT OR ARE WE GOING TO GO AHEAD AND HAVE THE PUBLIC HEARING AND TRY TO SORT THIS OUT ONE WAY

OR ANOTHER. THE FIRST READING AS WELL.

THE PROPERTY OWNER, AND THE ADJOINING PROPERTY TO THE SOUTH ARE WORKING ON THIS AGREEMENT. IT HAS NOT BEEN FINALIZED, BUT MY UNDERSTANDING THERE'S A THIRD PARTY THAT HAS SIGNED UP THIS EVENING OF ONE OR TWO INDIVIDUALS THAT WOULD LIKE TO SPEAK AGAINST THE REZONING REQUEST.

Thomas: ANYBODY... WAS THAT A MOTION, COUNCILMEMBER?

MIGHT HAVE TO HAVE THE HEARING, IT SOUNDS LIKE.

Thomas: THEN WE STILL HAVE THE PUBLIC HEARING OPEN. I THINK WE HAVE TWO SPEAKERS.

WELL, LET ME PAUSE FOR THE APPLICANT TO MAKE THEIR PRESENTATION AND WE CAN TAKE THOSE IN FAVOR AND THOSE IN OPPOSITION.

Thomas: OKAY.

GOOD AFTERNOON, CITY COUNCILS AND MEMBERS. MY NAME IS MARIE ROCHA AND WE OWN THIS PIECE OF PROPERTY ON GUNTER STREET AND 7th. WE HAVE OWNED THIS PIECE OF PROPERTY SINCE 20, 30 YEARS AGO, AND THIS HAS BEEN ZONED COMMERCIAL ALL THIS TIME. AND IT'S BEEN VERY HARDBACK IN ABOUT TEN YEARS AGO, WE TRIED TO BUILD A BUILDING THERE AND WITH ALL THE RULES AND REGULATIONS THERE, IT WAS VERY HARD FOR US TO BUILD A COMMERCIAL BUILDING THERE BECAUSE THE LAND ITSELF, IT'S ONLY 60 FEET WIDE, BUT IT'S 249 FEET LONG, AND WITH THE COMPATIBILITY -- I MEAN STUDY, WE HAVE TO STAY SO MANY FEET AWAY BECAUSE WE HAVE RESIDENTIAL IN THE BACK. WE HAD TO STAY SO MANY FEET AWAY FROM THE PIECE OF PROPERTY, SO WE ONLY LIMITED TO VERY SMALL PIECE OF LAND THAT WE CAN BUILD ON, WHICH WE WILL END UP WITH ONLY LIKE 24 TO 26 FEET OF BUILDING AREA. SO WE THOUGHT THAT THE BEST THING FOR US TO DO AND WE ARE A HOME BUILDER AND WE DO A LOT OF AFFORDABLE HOUSING FOR THE CITY OF AUSTIN AND WE WORK FOR AUSTIN FINANCE CORPORATION AND

GUADALUPE, AND WE THOUGHT THAT MAYBE THE BEST THING FOR US TO DO IS TO DO AFFORDABLE HOUSING IN THIS AREA. SO WE DECIDED TO CHANGE THE ZONING TO MU SO WE CAN DO AFFORDABLE HOUSING AND WE PUT THE APPLICATION IN WITH SMART HOUSING, AND WE WANT TO MOVE FORWARD, BUT THERE'S BEEN A LOT OF PROBLEMS. PEOPLE DIDN'T WANT US TO DO SINGLE FAMILY HOMES OR THEY WANTED US TO STRICTLY DO COMMERCIAL, AND ALSO WE DECIDED THAN IF WE DO COMMERCIAL, WE HAVE TO GO THROUGH A LOT OF -- THE COST IS VERY HIGHLY FOR US TO DO COMMERCIAL, SO WE DECIDED THAT MAYBE WE SHOULD JUST DO SINGLE FAMILY HOMES AND THAT'S WHERE WE STAND AND A LOT OF PEOPLE OPPOSING ON THAT, BUT WE - - WE OWN THIS PIECE OF PROPERTY AND THEN WE OWN TWO TRACTS OF BEHIND THE PROPERTY, SO WE -- AND WE HAVE THOSE ARE SINGLE FAMILY HOMES AND WE JUST WANTED TO DO SOME TOWNHOUSES OR SINGLE FAMILY DUPLEXES. WE HAVEN'T DECIDED THAT YET. BUT FIRST WE'RE TRYING TO GO THROUGH THE ZONING SO WE CAN SAY WHAT WE CAN BE BUILT OR WHAT WE CAN DO AND KEEP SMART HOUSING ALONG THE NEIGHBORHOOD. SO SORRY I WASN'T QUITE PREPARED. I THOUGHT WE WERE JUST GOING TO DO THE READING TONIGHT. I'M SORRY IF I MAKE THIS SO CONFUSING FOR YOU. IF YOU HAVE ANY QUESTIONS FOR ME... DOES EVERYBODY UNDERSTAND? >>

Thomas: YOU HAVE TWO MORE MINUTES IF YOU WANTED TO BUT...

I'M FINE.

Thomas: OKAY, GO AHEAD, COUNCILMEMBER DUNKERLY.

Dunkerly: I WANTED TO TELL YOU A MOMENT TO SAY THANK YOU FOR WORKING WITH THE PROPERTY OWNERS WHERE YOU CAN BOTH COME UP WITH WHAT YOU NEED TO DO. I APPRECIATE THAT.

WE DO WANT TO MAKE EVERYBODY HAPPY. WE JUST WANT TO WORK IT OUT WITH EVERYBODY, BUT WE'VE BEEN TRYING TO TAKE CARE OF THIS PROBLEM FOR A LONG TIME AND HOPEFULLY WE CAN MOVE FORWARD NOW.

ANY OTHER QUESTIONS?

NO.

Thomas: OKAY. YOU'RE THE ONLY ONE THAT SIGNED UP FOR. AND THEN WE GO TO THE OPPOSITION. THERE ARE TWO THAT HAVE SIGNED UP. MS. SYLVIA YBARA, YOU HAVE THREE MINUTES.

GOOD AFTERNOON, COUNCILMEMBERS, DID Y'ALL GET MY LETTER? I'M SYLVIA YBARA. OKAY. I'M ALSO REPRESENTING THE PEOPLE THAT SIGNED A PETITION AND THROUGH ALL OF THIS AND THIS LEARNING PROCESS. WE KIND OF STARTED CALLING OURSELVES FRIENDS OF EAST 7th STREET. ONE OF THE PEOPLE THAT SIGNED ON THIS PETITION IS -- ARE MY PARENTS. THEY HAVE LIVED THERE FOR 40 YEARS, AND OUR BACK YARD IS ADJACENT -- WILL BE -- IS ADJACENT TO MS. SALDANA'S PROPERTY, AND WE -- WELL, FIRST OF ALL, I WOULD LIKE TO KNOW THE TERMINOLOGY OF MIXED USE. I THINK THAT'S, YOU KNOW -- SHE'S APPLYING FOR SINGLE FAMILY OR MULTIFAMILY, BUT WHAT IS MIXED USE? I MEAN IT'S LIKE, OKAY, I THOUGHT MIXED USE WAS SOMETHING SUPPOSED TO BE MIXED AND SHE WANTS SOMETHING STRIKTSLY SINGLE FAMILY OR MULTIFAMILY, IS SO A TRUE MIXED USE IN OUR EYES BEING THAT WE ARE RESIDENTIAL TO THE NORTH AND THE PEOPLE THAT SIGNED A PETITION NEXT DOOR ADJACENT TO OUR HOUSE AND ACROSS THE STREET ON 7th STREET, WHICH IS A MAIN CORRIDOR AND NOW EVEN MORE SO SINCE THE CITY COUNCIL DECIDED TO BUILD THAT AIRPORT, CHANGE THE OLD AIRPORT TO THE BERGSTROM AIR FORCE BASE, I'M -- I LIVE THERE TOO RIGHT NOW BECAUSE I'M IN SCHOOL, AND THE TRAFFIC IS HORRIBLE. IT HAS LIKE -- I DON'T KNOW IF IT'S TRIPPED QWA-TRIPLED BECAUSE OF THE AIRPORT. AND THEN COMING BACK, I GUESS PEOPLE COMING ALL OVER TO OUR INTERNATIONAL AIRPORT AND THEN USING 7th STREET AS A CORRIDOR WILL BE SEEING AUSTIN FOR THE FIRST TIME USING 7th STREET. SO -- AND THE OTHER 50% WHY WE'RE OPPOSED -- PETITION IS OPPOSED BECAUSE SINCE MY FAMILY HAS LIVED THERE FOR 40 YEARS, THE INCREASE IN THE TRAFFIC THIS SUMMER A CAR -- AND THERE'S A LOT OF TRAFFIC AND ACCIDENTS ALL THE TIME THERE, BUT THIS PARTICULAR TIME THE CAR WENT OUT OF CONTROL, WAS

HIT BY SOMEONE AND IT CROSSED HER PROPERTY AND CAME INTO MY FATHER'S SHED IN THE BACK YARD, AND MY FATHER WORKS THERE ALL THE TIME IN THE SUMMERTIME, BUT IF MY FATHER HAD BEEN IN THERE HE WOULD BE DEAD, THAT'S HOW FAST THAT CAR WAS COMING, AND I'M JUST THINKING ABOUT, YOU KNOW, MY PROFESSION IN HEALTH CARE AND SAFETY, CHILDREN, YOU KNOW, I COULDN'T IMAGINE SEEING RESIDENTIAL ON THAT PART OF PROPERTY BECAUSE OF THE SAFETY ISSUES. I THINK ARE REALLY HAZARDOUS. I KNOW MS. ROCHA, WE WENT TO HIGH SCHOOL TOGETHER, I WOULD LIKE TO SEE HER MAKE A PROFIT ON HER LAND, YOU KNOW, BUT I WOULD LIKE TO SEE IT BE MORE OF A COMPATIBILITY WITH EVERYTHING THAT IS AROUND THERE, AND I THINK THAT SOMETHING CAN BE AGREED ON THAT WOULD HELP EVERY -- ALL THE PARTIES INVOLVED. THANK YOU. >>

Thomas: THANK YOU. LET ME ASK YOU ONE QUESTION. YOU DID SAY THAT YOU WASN'T SURE WHAT SHE'S TRYING TO DEAL --

I BELIEVE AISLES IT'S SINGLE FAMILY OR MULTIFAMILY, WHAT IS TRUE MIXED USE. THAT'S WHAT I'M LIKE A LITTLE BIT -- TRUE MIXED USE I THOUGHT WAS --

Thomas: WE'LL GET STAFF TO ANSWER AT THAT FOR YOU RIGHT QUICK AND THEN COUNCILMEMBER McCracken IS GOING TO ANSWER THAT.

STEWART HIRSCH WITH NEIGHBORHOOD HOUSING AND COMMUNITY DEVELOPMENT. THE ROCHA'S FILED THIS APPLICATION PRIOR TO BEING ABLE TO DETERMINE WHETHER IT COULD GO SMART HOUSING, BECAUSE ONE OF THEIR DILEMMAS WAS WHETHER TO DEVELOP THIS AS TOWNHOUSES AND A MULTIFAMILY DEVELOPMENT. ONCE THEY DECIDED THEY COULDN'T MAKE IT WORK COMMERCIALY BECAUSE OF THE COMPATIBILITY SETBACK, THEY THEN LOOKED AT WHETHER IT WAS MORE VIABLE TO TRY TO REACH AFFORDABLE HOUSING TO SINGLE FAMILY OR DUPLEX CONSTRUCTION ON THE ONE HAND OR MULTIFAMILY ON THE OTHER, AND AS THEY SAT DOWN WITH THE SMART HOUSING REVIEW TEAM, IT BECAME APPARENT BASED ON THE COST ISSUES THAT IF THEY WERE TRYING TO

MAKE THIS A KIND OF HOUSING THAT WOULD NOT BE JENTRIFYING THE NAIBLD THEY NEEDED TO HAVE THE OPTION TO BUILD THESE AS SINGLE OR MULTIFAMILIES. THIS IS NOT VERTICAL KNICKSED USE AS THE COUNCIL WAS TALKING ABOUT. THIS IS TRYING TO GET A MIXED USE ENTITLEMENT ON THE PROPERTY SO THEY CAN BUILD HOUSING IN A WAY THAT DOESN'T HAVE TO SETBACK A GREAT DISTANCE FROM THE EXISTING SINGLE FAMILY USES THAT ARE ON PROPERTIES RIGHT NEXT TO THEM, SO THE REASON THAT THE ROCHAS HAVE COME BEFORE THE PLANNING COMMISSION AND THE NEIGHBORHOOD PLANNING TEAM, THEY STARTED WITH THE NEIGHBORHOOD PLANNING TEAM, WHICH RECOMMENDED THE NEIGHBORHOOD PLAN AMENDMENT TO THE PLANNING COMMISSION, RECOMMENDED THE ZONING TO THE PLANNING COMMISSION, AND THEY WANT -- THEY STILL NEED TO WORK THE NUMBERS. THEY HAVE AN ARCHITECT. THEY HAVE AN ENGINEER. IT APPEARS AT FIRST BLUSH. THAT THE ONLY WAY TO GET NONMARKET HOUSING, TO GET A MIX OF MARKET HOUSING AND REASONABLY PRICED HOUSING IS TO PRESERVE THE SINGLE FAMILY DUPLEX OPTION, SO THE REASON THEY'RE HERE BEFORE YOU TODAY IS TO HAVE A PLAN AMENDMENT AND A ZONING -- A ZONING CHANGE THAT WOULD ALLOW THEM TO GET SOME MARKET HOUSING AND SOME AFFORDABLE HOUSING ON THIS SITE AND THEN IN THE CASE YOU POSTPONED EARLIER, ON 5th AND ALLEN STREET THAT YOU'LL TAKE UP IN A COUPLE OF WEEKS TO DO THE SAME SORT OF THING OVER THERE, SO THIS IS HOPEFULLY FOR THEM GOING TO BE AN 8-UNIT PROJECT EITHER FOUR UNITS ON BOTH SITES OR THREE AND FIVE, AND -- AND HALF OF THOSE THEY HOPE TO BE AFFORDABLE AND THEN THE OTHER HALF TO BE WHATEVER THE MARKET LENDS ITSELF TO IN THAT NEIGHBORHOOD, SO IT'S REALLY GOING TO BE A MIXED INCOME PROJECT THAN A MIXED USE PROJECT. I HOPE THAT ANSWERS MAYOR PRO TEM'S QUESTION ABOUT WHAT ARE THEY PLANNING TO DO OVER THERE.

Thomas: YES, MA'AM. YES, SIR. EXCUSE ME, DID IT ANSWER YOUR QUESTION?

ANY RESIDENTIAL AND RETAIL AND RESIDE SAL AND OFFICE

OR RESIDE RESIDENTIAL AND...

Thomas: NO, MA'AM.

IF THEY'RE TRYING TO ACHIEVE SMART HOUSING GOALS GIVEN THE COMPATIBILITY SETBACKS THAT WOULD BE REQUIRED FOR THE TRADITIONAL COMMERCIAL MIXED USE DEVELOPMENT, THAT TO GET MIXED USE OF RESIDENTIAL AND COMMERCIAL WOULD PRECLUDE ANY LEVEL OF AFFORDABILITY ON THE SITE, IN OUR WORK WITH THE REVIEW TEAM THAT'S THE CONCLUSIONS I THINK WE'VE ALL REACHED.

COUNCILMEMBER McCracken.

McCracken: MISS YBARA, DO YOU WANT MIXED USE ON THIS SITE?

YES, THAT'S WHAT WE THINK WOULD BE BEST.

McCracken: AND GIVE ME A LITTLE MORE DETAIL, MR. HIRSCH, IF YOU COULD, ABOUT WHAT ARE THE COMPATIBILITY SETBACK ISSUES WE'RE FACING ON THIS PROPERTY.

WHEN YOU DEVELOP A PROPERTY AS MULTIFAMILY OR AS COMMERCIAL OR AS MIXED USE, YOU HAVE TO LOOK AT WHETHER THERE IS SINGLE FAMILY ZONING OR SINGLE FAMILY USES WHEN AT A CERTAIN DISTANCE, AND IF THERE ARE, THEN YOU HAVE TO SETBACK YOUR BUILDING, NOT JUST FOR THE ZONING SETBACK, BUT A GREATER DISTANCE, BECAUSE THOSE SINGLE FAMILY USES EXIST AND WHEN THAT OCCURS, IT TAKES AWAY THE AMOUNT OF LAND THAT YOU CAN BUILD ON AND IT INCREASES YOUR COST BECAUSE YOU THEN HAVE TO LOSE ALL OF THAT LAND AND -- AND SO YOUR BUILDING AREA IN TERMS OF DESIGN DOESN'T WORK IN TERMS OF AFFORDABLE, YOU CAN CERTAINLY BUILD MORE EXPENSIVE HOUSING IN THAT CIRCUMSTANCE, BUT WHEN YOU'RE DEALING WITH, AS THE APPLICANT INDICATED TO YOU DURING THE PUBLIC HEARING, WHEN YOU'RE DEALING WITH COMPATIBILITY SETBACKS ON EXISTING RESIDENTIAL USES, YOU END UP WITH A MIXED USE PRODUCT THAT HAS NO AFFORDABILITY COMPONENT AND SO THAT IS THE RISK ON THIS PARTICULAR SMALL PIECE OF

LOT -- LAND WITH THE KIND OF USES THAT ARE NEXT DOOR, THAT'S WHY YOU HAVE THE EXTRAORDINARY THING WHERE YOU'VE GOT AN OWNER WITH FRONTAGE ON EAST 7th STREET COMING TO YOU ASKING TO TAKE AWAY THEIR ABILITY TO DO COMMERCIAL AND RATHER PRESERVE THEIR ABILITY TO DO RESIDENTIAL BECAUSE THE ECONOMICS WON'T WORK FOR THE COMMERCIAL PROJECTS THAT THEY'VE BEEN TRYING TO DO FOR ALL THE YEARS THEY'VE OWNED THE PROPERTY.

McCracken: I NEED A LITTLE MORE DETAIL ON THE -- FIRST, WHO OWNS THAT LITTLE SLIVER TRIANGLE THAT SEPARATES THE PROPERTY IN ONE AREA ON 7th STREET?

I CAN'T ANSWER THAT QUESTION. THE APPLICANT MAY BE ABLE --

McCracken: I MEAN DOES THE APPLICANT OWN THAT?

THAT PIECE OF PROPERTY WAS NEVER ACQUIRED BY US. IT USED TO BE OWNED BY MR. RITTER, AND MR. RITTER'S ESTATES SOLD IT TO MR. STACEY OLIVER AND HE OWNS THAT PIECE OF PROPERTY AND WE HAVE BEEN TRYING TO BUY IT FROM HIM BUT HE'S NOT INTERESTED IN SELLING AT THIS POINT, AND THAT'S THE -- THAT'S THE OWNER THAT WE'RE TRYING TO REACH AN AGREEMENT WITH AND THAT'S THE -- THEIR HERE -- THEIR ATTORNEYS ARE HERE, BUT THAT'S THE -- WE'RE TRYING TO REACH AN AGREEMENT WITH THEM AND SEE IF EVERYTHING CAN WORK OUT WHERE WE CAN BUILD SINGLE FAMILY AND THEY CAN HAVE THAT COMMERCIAL LITTLE PLACE WHERE THEY CAN BUILD COMMERCIALY.

McCracken: I GUESS THE CONCERN I'M HAVING IS THAT THIS AREA HAS BEEN IDENTIFIED FOR PLANNING PURPOSES AS A MIXED USE CORRIDOR, IT'S A MORE APPROPRIATE LAND USE FOR THE CORRIDOR THAN SINGLE FAMILY BECAUSE IT'S A VERY BUSY CORRIDOR, AND WE'VE GOT -- SO I THINK TO THE EXTENT THAT WE CAN ACTUALLY MAKE IT POSSIBLE FOR IT TO ACTUALLY DEVELOP AS MIXED USE, WHICH IS WHAT FROM A PLANNING PERSPECTIVE IT SHOULD BE BASED ON ITS LOCATION, THAT WOULD BE THE BETTER COURSE TO GO AND IT WOULD BE SOMETHING THAT THE NEIGHBORS

WOULD BE IN FAVOR OF TOO. IT SOUNDS LIKE WE HAVE A BARRIER TO GET -- WELL, IT'S NOT TOO -- YEAH, IF THEY CAN GET THAT CORNER PIECE, MY UNDERSTANDING IS THAT WOULD MAKE IT WORK.

BUT THAT IS NOT POSSIBLE FOR US TO OWN THAT -- THAT CORNER, YOU KNOW, THAT IS NOT POSSIBLE NO MORE.

McCracken: WELL, THAT LITTLE CORNER PIECE IS PRETTY UNUSABLE IT WOULD APPEAR FROM THIS.

YEAH. RIGHT. AND WE HAD THE NEIGHBORHOOD MEETING B AND MRS. YBARA'S FATHER WAS THERE AND HE DIDN'T HAVE ANY PROBLEMS BACK THEN, SO WE GOT THE NEIGHBORHOOD TO SUPPORT US IN WHAT WE WANTED TO DO, AND WE LOOK FORWARD ALL THE TIME AND WE KNOW THAT OUR -- THE LAND OWNER TO THE SOUTH WAS AGAINST US ONLY IF WE WANTED TO DO SINGLE FAMILY HOMES AND WE WANT TO LEAVE THAT OPTION BECAUSE IT'S VERY HARD FOR US TO BUILD COMMERCIALLY IN THAT LITTLE PIECE OF TRACT OF LAND ESPECIALLY WHEN YOU FOLLOW THE RULES AND REGULATIONS OF THE CITY OF AUSTIN, WHEN YOU START GETTING THE PONDS AND START DOING THE SETBACK AND ALL OF THAT STUFF SO THAT IS HOW COME WE DECIDED IT WAS BEST FOR US TO GO INTO SINGLE FAMILY HOMES OR TOWN HOUSES WHERE WE KNOW WHAT TO DO -- THAT'S WHAT WE DO AND THAT'S WHAT WE BUILT, AND THAT'S WHAT THE NEIGHBORHOOD WANTS, MORE HOUSING, MORE AFFORDABLE HOUSING, SO WE HAVE BUILT A LOT OF HOUSES OVER INENE AUSTIN AND WE THOUGHT WE HAD THIS TRACT OF LAND, SINCE WE CAN'T GO COMMERCIAL, WE CAN'T GET THE PIECE OF PROPERTY THAT WE WOULD LIKE TO IN ORDER FOR US TO GO COMMERCIAL, IT WAS BEST FOR US TO TRY AND GET MIXED USE AND SEE IF WE CAN DO CONDOS OR IF IT'S NOT AFFORDABLE THEN WE CAN DO SINGLE FAMILY HOUSING AND TO THE BACK OF IT IS ALL SINGLE FAMILY HOMES, AND THERE'S SINGLE FAMILY HOMES DOWN 7th STREET, SO, YOU KNOW, IT'S THERE. AND THE NEIGHBORHOOD WILL SUPPORT US 100%.

McCracken: WE HAVE A VALID PETITION...

BUT SEE THE VALID PETITION, THERE WAS QUITE A FEW

PEOPLE WHO SIGNED THE VALID PETITION AND EVERYBODY WITHDRAW, ONCE THEY UNDERSTOOD THE FACTS AND EVERYTHING, THEY WITHDRAW THE NAMES FROM THE VALID PETITION, SO THERE'S ONLY TWO PERSONS ON THE VALID PETITIONS, WHICH IS THE OLIVER TRACT WHICH WE'RE TRYING TO AGREE SOMETHING WITH THEM, AND THEN MRS. YBARA, AND THOSE ARE THE ONLY TWO PEOPLE WHO HAVE SIGNED IT. S.

YOU'RE LEAVING OUT DAN YELG GARZA.

Thomas: MA'AM, UNLESS SOMEBODY ASKS A QUESTION YOU CANNOT --

MR. GARZA IS NOT A LAND OWNER, HE'S A RENTAL PROPERTY AND HE'S MORE THAN 200 FEET AWAY.

Alvarez: QUICK QUESTION FOR MISS YBARA. IT SEEMS LIKE FROM YOUR COMMENTS THAT YOU'RE NOT WORRIED SO MUCH HOW THIS WOULD IMPACT YOUR HOME OR YOUR FERRET -- IS IT YOUR FATHER THAT OWNS THE PROPERTY?

YES, SIR.

Alvarez: OR YOUR PARENTS? SO IT'S NOT SO MUCH THAT HAVING A RESIDENTIAL USE WOULD BE MORE DETRIMENTAL TO YOUR FATHER, YOUR PARENT, AS A NEIGHBOR THAN COMMERCIAL WOULD, YOU'RE MORE CONCERNED ABOUT THE -- THE VIABILITY, I GUESS OF THIS PARTICULAR TRACT OF A SINGLE FAMILY OR DUPLEX OR MULTIFAMILY PARCEL.

BOTH. 50/50. I THINK BUSINESS, AND ALSO THE SAFETY ISSUE. LIKE I SAID, RESIDENTIAL, BECAUSE IT'S THE BUSYNESS OF THE CORRIDOR, A LOT OF ACCIDENTS THERE AND THE TRAFFIC HAS TRIPPED BECAUSE OF THE AIRPORT.

Alvarez: I'M THINKING MOST OF THE TIME WE HAVE NEIGHBORS WHO ARE CONCERNED WHEN THERE'S COMMERCIAL PROPERTY THAT'S GOING TO DEVELOP ADJACENT TO THEM AS SINGLE FAMILY DWELLINGS, I GUESS I'M TRYING TO FIGURE OUT IF THE ISSUE IS YOU'RE CONCERNED ABOUT THE IMPACT OF THIS DIFFERENT KIND OF DEVELOPMENT OR IS IT MORE AGAIN THE

APPROPRIATENESS OF DOING RESIDENTIAL ON THE TRACT.

LIKE I SAID TRUE MIXED USE, THE WORD TRUE MIXED USE SOUNDS GOOD BECAUSE IT'S BOTH. TRUE MIXED USE WOULD BE THE RESIDENTIAL AND THE BUSINESSES TOGETHER OR OFFICE. TRUE MIXED USE, BUT JUST --

Alvarez: BUT YOU'RE I GUESS VERY SUPPORTIVE OF HAVING COMMERCIAL USED THERE.

YEAH, LIKE THE OLD NEIGHBORHOOD PLAN, THE GOLD VALLEY NEIGHBORHOOD PLAN, THAT'S WHAT THEY DECIDED TEN, 20 YEARS AGO, AND I THINK IT SHOULD STAY THAT WAY REALLY.

Alvarez: AGAIN, THE ONLY POINT I WAS TRYING TO MAKE IS TYPICALLY NEIGHBORS WOULD RATHER HAVE RESIDENTIAL NEXT TO THEM THAN COMMERCIAL.

I'M LOOKING AT WHERE IT'S AT BECAUSE OF 7th STREET TOO. I'M LOOKING AT AUSTIN, ALSO EAST AUSTIN AS A WHOLE ALSO, YOU KNOW.

Alvarez: SURE.

I'M FOR SMART HOUSING. YOU KNOW, I WISH THAT WE COULD DEVELOP, YOU KNOW, THE TENT FARM, WE'RE STILL WAITING FOR THAT TO DEVELOP, TO ME THAT WOULD GREAT. I'M LOOKING AT EVERYTHING. THE WHOLE PICTURE, YOU KNOW, WHERE IT'S AT, THE BUSINESSES, AND RESIDENTIAL. OUR FAMILY HAVE LEARNED TO LIVE AMONGST BUSINESSES AND RESIDENTIAL, WE HAVE TO -- WE GREW UP LIVING LIKE THAT SO WE KNOW HOW TO DEAL WITH BOTH, SO...

Alvarez: WELL THANK YOU VERY MUCH. MAYBE, I DON'T KNOW IF MISS ROCHA, YOU WOULD KIND OF LIKE TO ADDRESS THE SAFETY ISSUE OF HAVING ANY PART OF THIS DEVELOPMENT ACTUALLY, YOU KNOW, FRONT ON 7th STREET AND HOW YOU WOULD DEAL WITH, YOU KNOW, THAT PARTICULAR CONCERN THAT HAS BEEN RAISED.

WELL, I WANTED TO SAY THAT FOR MRS. YBARA WANTS, SHE

WANTS MIXED USE, WHICH MEANS A BUSINESS ON THE BOTTOM, RESIDENTIAL ON TOP, WHAT EVERYONE IS DOING NOW DAYS. NOW, THAT IS NOT A PROBLEM WITH ME EITHER. BUT THE FUNDS -- I DON'T HAVE THOSE FUNDS TO DO THAT, AND A LOT OF TIMES WHEN WE DO THIS, IT CREATES A LOT OF PROBLEMS BECAUSE WE HAVE TO DO WATER QUALITY CONTROL. DO WE HAVE -- THE WAY THE LOT IS SETTING, WE ONLY HAVE 28 FEET OF BUILDING AREA. OKAY? 20 FEET BY 200 FEET. THAT DON'T GIVE YOU MUCH OF A BUILDING. WE -- THEN WHEN WE DO BUSINESS, WE HAVE TO HAVE HANDICAPPED PARKING. WE HAVE TO -- IF WE HAVE RETAIL IN THE BOTTOM WE HAVE TO HAVE ENOUGH PARKING TO -- DEPENDING ON HOW MANY BUILDINGS WE HAVE, SO I CAN'T PROMISE HER THAT. IT ALL DEPENDS WHAT THE CITY WILL LET ME BUILD. NOW THAT...

Alvarez: I'M NOT ASKING FOR A PROMISE TO DO A TRUE MIXED USE. I MEAN THERE MAY BE OTHER COUNCILMEMBERS THAT MAY WANT TO SEE THAT HAPPEN, BUT I SEE THE -- SORT OF THE CONSTRAINTS THAT YOUR SITE HAS IN TERMS OF THE COMPATIBILITY STANDARDS OF DEVELOPING COMMERCIAL USE HERE BECAUSE THE EXISTING RESIDENTIAL USES THAT ARE AFFECTING YOUR PROPERTY THE WAY A RESIDENTIAL USE ON YOUR PROPERTY...

RIGHT.

Alvarez:... IS AFFECTING MR. OLIVER'S TRACT SO THERE'S COMPATIBILITY ISSUES AFFECTING VARIOUS PIECES HERE, BUT I GUESS WHAT I WAS WONDERING, IF THE COUNCIL WERE TO SUPPORT YOUR REQUEST, YOU KNOW W. THE UNDERSTANDING THAT IT WOULDN'T BE ON FINAL READING TODAY OR A FINAL VOTE TODAY PER SE, BUT, YOU KNOW, HOW WOULD YOU ADDRESS THE ISSUE THAT SHE'S RAISING ABOUT SAFETY.

SAFETY ISSUES.

Alvarez: YOU KNOW, ON 7th STREET ARE YOU GOING TO PUT UP A FENCE, THE PERCEIVED OR REAL THREATS FROM THAT TRAFFIC.

WHAT WE PLAN TO DO IS WE HAVE AN ACCESS ON GUNTER STREET AND WE HAVE AN ACCESS ON 7th STREET. AND ONE WAY IN AND ONE WAY OUT FOR TRAFFICWISE, THEN ALSO WE PLAN TO PUT A FENCE, BECAUSE WE WANT TO LOOK AT - - WE WANT IT TO LOOK LIKE -- I'M NOT TOO SURE, BUT WE WANT TO DO A FENCING, OF COURSE WITH MR. OLIVER, HE BUILDS RIGHT THERE, WE HAVE TO PUT A NICE ATTRACTION TO SELL OUR HOMES OR DUPLEXES OR TOWNHOUSES, BUT WE DO PLAN TO PUT A FENCE AROUND THERE. THAT'S NOT GOING TO BE A PROBLEM. UH-HUH.

Alvarez: AND YOU THINK THAT WILL ADDRESS SOME OF THE SAFETY CONCERNS.

WE'LL FIND OUT, YEAH.

Alvarez: OKAY. AND THEN FOR STAFF, IF I COULD HAVE SOMEONE FROM STAFF KIND OF HELP US WITH THE COMPATIBILITY ISSUES.

RIGHT NOW ON THE PROPERTIES THAT ARE NORTH OF THIS SUBJECT TRACK, EXISTING RESIDENCES WOULD TRIGGER COMPATIBILITY ON THIS PROPERTY, SO IF YOU WERE DEVELOPING IT FOR COMMERCIAL USE THEY MAY ACTUALLY HAVE SETBACKS FROM THE NORTHERN PROPERTY. THE SOUTHERN PROPERTY, THAT LITTLE TRIANGLE PIECE WOULD NOT TRIGGER COMPATIBILITY ON THIS PROPERTY IF IT WAS BEING DEVELOPED WITH A COMMERCIAL USE BECAUSE I THINK THE ONLY USES ON THAT PROPERTY CURRENTLY ARE SOME BILLBOARDS AND THE REST OF THE PROPERTY IS VACANT. SO THE PROPERTY IS TO THE NORTH WHERE THE HOUSES ARE WOULD TRIGGER COMPATIBILITY ON THIS PROPERTY BUT NOT THE PROPERTY TO THE SOUTH, AND SO...

BECAUSE I KNOW THE PROPERTY OWNER TO THE SOUTH IS CONCERNED ABOUT COMPATIBILITY STANDARD, YOU KNOW, AFFECTING THEIR PROPERTY IF A RESIDENTIAL USE WERE TO TAKE PLACE ON THE SUBJECT TRACT, BUT AS THE -- WHAT TRIGGERS COMPATIBILITY JUST A FACT THAT YOU ATTACH AN MU TO THIS PARTICULAR PROPERTY OR DOES COMPATIBILITY GET TRIGGERED WHEN THEY ACTUALLY EITHER FILE A PLAN OR BEGIN CONSTRUCTION, YOU KNOW,

ON THEIR -- ON A RESIDENTIAL PROJECT?

THE PROPERTY -- THE SUBJECT PROPERTY WOULD HAVE TO ACTUALLY HAVE A USE ESTABLISHED ON IT IN ORDER TO TRIGGER COMPATIBILITY. BY SIMPLY HAVING THE MU, THE MU ALONE WOULD NOT TRIGGER COMPATIBILITY, THAT'S THAT SMALL TRIANGULAR PIECE TO THE SOUTH, I THINK THAT IS SOME OF THE NEGOTIATION THAT IS -- THAT THE DIALOGUE IS GOING ON BETWEEN THE TRIANGLE PROPERTY OWNER AND THE APPLICANT, THEY WERE TRYING TO WORK OUT AN ARRANGEMENT THAT BOTH PROPERTIES COULD GET -- BE DEVELOPED AND THEN WOULD NOT TRIGGER COMPATIBILITY ON THE OTHER, SO THE COMMERCIAL PROPERTY OWNER COULD GO FORWARD, GET THEIR PROJECT APPROVED FIRST THEN THE APPLICANT CAN COME FORWARD, DEVELOP THEIR PROPERTY, AND IN A SENSE THE SMALL TRIANGLE PIECE COULD POSSIBLY HAVE THEIR PROJECT GRANDFATHERED FOR COMPATIBILITY BECAUSE THEY FILED THEIR APPLICATION BEFORE THE RESIDENTIAL PROPERTY...

Alvarez: THAT WAS GOING TO BE MY OTHER QUESTION IS THAT, YOU KNOW, IF THEY FILED A SITE PLAN BEFORE THE RESIDENTIAL SITE PLAN WAS FILED THEN...

THEY PROCEED WITH THAT THEN THEY CAN AFFORD THE COMPATIBILITY. I THINK THAT IS PART OF THE NEGOTIATION BETWEEN THE PROPERTY OWNER TO THE SOUTH.

Alvarez: A BIT OF A TIMING ISSUE?

YES.

Alvarez: AND THEN FINALLY I THINK BECAUSE MISS YBARA DISTRIBUTED A LETTER WITH A VALID PETITION THAT SHOWED IT AT 32% BUT IT SOUNDED LIKE MISS ROCHA WAS - - SHE WAS SAYING THAT THERE WERE LESS NAMES ON THAT PARTICULAR LIST, OR IS THIS THE RIGHT VALID PETITION OR HAS IT CHANGED OR...

THAT IS THE PETITION, BUT I THINK THE PETITION THE WAY IT'S WORDED, IT SAYS THAT OPPOSED TO A CHANGE OTHER THAN CS, I THINK CO ON THE PETITION, AND IF THAT IS TRUE,

THEN YOU COULD NOT INTRODUCE MIXED USE WITHOUT TRIGGERING THAT PETITION. ONCE YOU ADD THE MU OR THE MIXED USE COMBINED DESIGNATION, THOSE PETITIONS STAY IN EFFECT.

Alvarez: SO IT IS AT 32%.

I'M NOT SURE OF THE SPECIFIC AMOUNT BUT IT IS A VALID PETITION.

Alvarez: BUT IF AN AGREEMENT EVEN WERE TO BE STRUCK WITH THE OWNER TO THE SOUTH, ACCORDING TO THEM SHEET THAT WAS -- THAT SHE AND MISS YBARA DISTRIBUTED, THAT WOULD ONLY SORT OF SUBTRACT 8 OR 9%, SO THAT WOULD STILL BE A VALID PETITION, I BELIEVE, IS THAT YOUR UNDERSTANDING OR...

IT'S MY UNDERSTANDING THE PETITIONER TO THE SOUTH WITHDRAWN THEN THE PETITIONER WOULD GO AWAY. A.

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Alvarez: THAT'S MY UNDERSTANDING TOO, THE MAP I'M LOOKING AT SHOWS SOMETHING DIFFERENT. BUT IT MIGHT HAVE BEEN AN EARLIER VERSION OF A VALID PETITION. SO I DON'T KNOW, MAYBE IF WE CAN -- IF YOU CAN DISTRIBUTE THE CORRECT PETITION THAT WOULD BE HELPFUL.

LET ME TAKE A VERSION THAT SHE PASSED OUT.

Alvarez: THANK YOU.

I THINK THERE'S STILL ONE --

Thomas: WE HAVE ONE MORE PERSON THAT NEEDS TO SPEAK. COUNCILMEMBER DUNKERLY DID YOU WANT TO SAY --

Dunkerly: I WANTED TO ASK A QUESTION. THIS IS A VERY CONSTRAINED PIECE OF PROPERTY. HOW MANY YIEWRNTS DO YOU -- UNITS OR BUILDINGS WILL YOU BE ABLE TO GET ON THE PROPERTY?

Dunkerly: FOUR?

FOUR IF WE GO DIE PLEXES, FIVE IF WE GO TOWNHOUSES.

IT SEEM TO ME WITH THE TRAFFIC ISSUE IF YOU HAD COMMERCIAL THERE, THAT WOULD GENERATE MORE TRAFFIC THAN FIVE RESIDENTIAL UNITS.

RIGHT. I JUST REMEMBERED THAT ON THE SAFETY ISSUE WE ONLY HAVE 40 FEET OF EAST 7th. EVERYTHING ELSE IS FROM THE PROPERTY OWNER TO THE SOUTH. SO HE'S GOING TO BE BUILDING COMMERCIAL THERE ANYWAY. SO BEFORE THEY HIT US, THEY'RE GOING HIT HIM.

Dunkerly: NO, I UNDERSTOOD -- I'VE LOOKED AT THE PROPERTY AND I UNDERSTAND THE CONSTRAINTS YOU HAVE. I'M JUST SAYING THAT IT'S REALLY FAIRLY SMALL DEVELOPMENT AND...

YES.

Dunkerly: AND FOUR OR FIVE RESIDENTIAL UNITS WOULD PROBABLY NOT CREATE AS MUCH TRAFFIC AS IF YOU HAD A BIGGER LOT AND COULD PUT COMMERCIAL ON THERE, THAT WOULD PROBABLY GENERATE EVEN MORE TRAFFIC FOR THAT NEIGHBORHOOD.

THAT'S CORRECT.

Dunkerly: I JUST WANTED TO KNOW HOW MANY UNITS. THANKS.

UH-HUH.

Thomas: ALL RIGHT. WE HAVE ONE MORE SPEAKER. CAL NEED.

COUNCILMEMBERS THANK YOU, I'M WITH BROWN MCCARROLL HERE REPRESENTING THE PROPERTY OWNER WE'VE BEEN TALKING ABOUT TO THE SOUTH OF THIS PROPERTY, STACEY OLIVER AND RON IS ALSO HERE REPRESENTING MR. OLIVER, HE HAS BEEN DOING SOME LAND PLANNING AS WE'VE BEEN DOING THE NEGOTIATION

PROCESS WITH MISS ROCHA. I JUST WANT TO ARTICULATE FIRST WHY WE OPPOSE THIS CASE IN THE FIRST PLACE. OUR REASONS ARE TWOFOLD, FIRST WE FELT LIKE IT WAS NOT THE RIGHT SITE FOR SINGLE FAMILY RESIDENTIAL AND THE REQUEST IS FROM CS TO CS-MU, BUT IN REALITY BECAUSE MISS ROCHA HAS BEEN VERY FORTHRIGHT WITH RESPECT TO WHAT SHE PLANS TO DEVELOP, IN REALITY IT'S A REQUEST FROM CS, TO SF 3, WE THOUGHT A REQUEST ON THIS PARTICULAR PROPERTY WITH US OWNING A COMMERCIAL PROPERTY TO THE SOUTH WITH MISS YBARA'S PROPERTY BEING COMMERCIAL TO THE NORTH AND BEING PROPOSED TO BE REDEVELOPED IN THE FUTURE AS COMMERCIAL, WE THOUGHT THIS WAS NOT A GOOD PROPERTY FOR SINGLE FAMILY RESIDENTIAL HOME, AND MR. GURNCY ALSO STATED THERE'S A BILLBOARD ON THE PROPERTY. THE BILLBOARD IS ACTUALLY ON MISS ROCHA'S PROPERTY, ANOTHER REASON WHY WE FELT LIKE IT WASN'T THE RIGHT SITE FOR SINGLE FAMILY RESIDENTIAL AND THE REASONS MISS YBARA ARTICULATED ABOUT THE TRAFFIC ON 6th STREET. I THINK THE PLAN WAS AND THE NEIGHBORHOOD PLANNING PROCESS WAS FOR THIS TO BE A COMMERCIAL BLOCK EVENTUALLY, I FELT LIKE THAT'S WHAT MISS YBARA WAS TRYING TO ARTICULATE, THAT ONCE THE SINGLE FAMILY IS DEVELOPED HERE THE POTENTIAL FOR THIS BLOCK BEING ABLE TO REDEVELOP AS COMMERCIAL REALLY GOES AREA WAY, IT BARS THAT, IT'S NOT GOING TO HAPPEN, THAT'S WHY WE WERE ALL IN OBJECTION. OUR SECOND REASON IS THAT THE PLAN THAT MISS ROCHA PROPOSES TO DO THE SINGLE FAMILY HOMES, WE HEARD TWO SINGLE FAMILIES HOMES, I HEAR HER NOW SAYING FOUR, UNDER A RESIDENTIAL PLAN WOULD MAKE IT SUCH THAT OUR LOT WHICH HAS ALL THE FRONTAGE ON 7th STREET, OUR CLIENT'S LOT WHICH HAS FRONTAGE ON 7th STREET WOULD MAKE OUR LOT COMPLETELY UNDEVELOPABLE AND I WANT TO CLARIFY WHAT I MEAN BY THAT, WE WOULD NOT BE ABLE TO PUT ANY BUILDING ON IT AT ALL AND WOULD ONLY BE ABLE TO PUT SOME PAVEMENT ON IT THAT WOULD BE ESSENTIALLY PARKING FOR SOME USE. AND WE -- THAT TO US AND TO OUR CLIENT WAS NOT ACCEPTABLE. I WILL SAY THAT WE DID -- WE THOUGHT THE BEST APPROACH WAS TO COMBINE THE TWO PROPERTIES. OUR CLIENT DIDN'T WANT TO SELL, MISS ROCHA DIDN'T

WANT TO SELL, WHAT WE PROPOSED WAS A JOINT DEVELOPMENT AGREEMENT, WE HIRE A DEVELOPER THIRD PARTY TO COME IN IT, EVERYBODY TAKES THEIR PRORATA SHARE OF THE DEVELOPMENT, AND WE WEREN'T ABLE -- MISS ROCHA DID NOT AGREE WITH THAT, SO THROUGH SOME DISCUSSION, WE WOULD STILL BE WILLING TO ENTERTAIN THAT IF THAT IS SOMETHING THE COUNCIL WOULD WANT TO SEE, THROUGH SOME DISCUSSIONS WITH STAFF, WITH MR. HIRSCH FROM HOUSING, WITH MISS ROCHA, WITH OUR CLIENT WE WERE ABLE TO COME TO AN AGREEMENT, THE STAFF STATED EARLIER THAT WE WERE CLOSE TO AN AGREEMENT, WE'VE ACTUALLY REACHED AN AGREEMENT, WE'RE IN THE PROCESS OF MEETING TO GET THE DOCUMENTS DRAFTED AND MISS ROCHA IS WORKING ON THAT, WE ARE PREPARED -- I SIGNED UP IN OPPOSITION BUT WE ARE PREPARED TO WITHDRAW OUR PETITION WHICH REPRESENTS ABOUT 20% OF IT, I BELIEVE, MAYBE 19%, ONCE WE SEE THE DOCUMENTS AND WE'VE GOT THE AGREEMENT WRITTEN.

Thomas: SO YOU'RE WILLING TO WITHDRAW YOUR PETITION AND MISS ROCHA IS NOT WILLING TO -- THE PLAN THAT YOU'RE TRYING TO DO BECAUSE I THINK STAFF WANTED TO DO, WHICH IS FIRST READING, BUT IS IT ANY WAY POSSIBLE, I GUESS I NEED TO ASK MISS ROCHA THIS ALSO, IS THAT IF AFTER THE FIRST READING YOU ALL COULD COME TO SOME KIND OF AGREEMENT WHEN YOU COME BACK ON THE SECOND AND MAYBE DO A READING SO WE CAN MOVE THIS CASE ON, BECAUSE IT'S BEEN GOING ON.

WE'RE COMPLETELY FINE WITH IT GOING FIRST READING. WE ACTUALLY HAVE AN AGREEMENT AND THAT WORKS FOR US, IT'S NOT BEST CASE SCENARIO, NOT THE BEST DEVELOPMENT FOR THESE TWO TRACKS, BUT IT WORKS, IT'S FINE FOR US, I THINK MISS ROCHA WILL AGREE WE'RE IN THE PROCESS OF DRAFTING DOCUMENTS. SO WE WOULD BE FINE WITH IT GOING THROUGH FIRST READING TODAY.

Thomas: OKAY. MISS ROCHA, CAN I ASK YOU A QUESTION? WHAT MISS IMMEDIATE MEAD GOT THROUGH EXPLAINING, ARE YOU AGREEING WITH THIS AGREEMENT SHE SAID ABOUT WITHDRAWING HER PETITION IF Y'ALL COME TO SOME TYPE OF AGREEMENT ON THE DIFFERENT

DEVELOPMENT?

THAT'S CORRECT, SIR. WE AGREE ON THAT.

Thomas: OKAY. COUNCILMEMBER McCracken.

McCracken: IS THIS AGREEMENT -- THIS AGREEMENT RESULT IN WHAT YOU PROPOSED FOR THE SMALL HOMES OR WOULD IT RESULT IN COMMERCIAL DEVELOPMENT FOR THE ENTIRE DUPLEX.

I THINK IT WILL RESOLVE EVERYTHING.

McCracken: THAT'S NOT WHAT I ASKED.

COUNCILMEMBER McCracken I CAN KIND OF SUMMARIZE WHAT IT IS. WE'VE AGREED WE WILL WITHDRAW A PETITION, MISS ROCHA WILL GO FORWARD WITH THE TWO SINGLE FAMILY BUILDINGS WHICH WILL BE DUPLEXES, I THINK, TWO SINGLE FAMILY HOME, IT IS THE SINGLE FAMILY SCENARIO, AS I THINK SHE STATED EARLIER, SHE WAS NOT WILLING TO AGREE TO A SCENARIO THAT WOULD INCLUDE THE MIXED USE OR THE COMMERCIAL DEVELOPMENT, SO IT WOULD BE THAT SHE WOULD -- WE WOULD ALLOW -- COUNCILMEMBER ALVAREZ SORT OF WENT THROUGH THE PROCESS. SHE WOULD NOT PULL A CERTIFICATE OF OCCUPANCY FOR HER HOMES UNTIL WE GOT OUR SITE PLAN APPROVED FOR OUR COMMERCIAL DEVELOPMENT.

McCracken: BASED ON THAT UNDERSTANDING I'VE GOT TO SAY I WILL OPPOSE THIS REQUEST BECAUSE WHAT IS BEFORE US DEVIATES FROM SOUND PLANNING PRINCIPLES. IT REQUIRES TO OVERRIDE A VALID PETITION. IT WOULD -- WE HAVE A VERY EXPENSIVE TAXPAYER FUNDED SIDEWALK PROGRAM 7th STREET BECAUSE IT'S BECOMING A MAJOR COMMERCIAL CORRIDOR -- A MAJOR CORRIDOR TO THE AIRPORT, AND THE PROPOSAL BEFORE US WOULD EFFECTIVELY, AS MISS MEAD SAID, EFFECTIVELY DOWN ZONE PART OF EAST 7th STREET TO SINGLE FAMILY 3 WHICH IS FOR AND YOU ARE BAN PLANNING STANDPOINT A COMPLETELY INAPPROPRIATE USE, AND NOT ONLY THAT, BUT WE HAVE A VALID PETITION BECAUSE THE NEIGHBORS WANT THE NEIGHBORHOOD PLAN TO BE HONORED. THE

NEIGHBORHOOD PLAN DOES REPRESENT GOOD PLANNING. THERE IS A PROPOSAL IT APPEARS TO JOINTLY DEVELOP THIS AND SHARE THE PROFITS. I'M NOT GETTING INVOLVED IN YOUR BUSINESS DECISIONS, BUT THAT WHAT IS DESCRIBED DOES REPRESENT GOOD URBAN PLANNING PRINCIPLES AND I COULD SUPPORT THAT, BUT I WILL NOT VOTE TO OVERRIDE THE VALID PETITION AND I WILL NOT VOTE TO AMEND THE NEIGHBORHOOD PLAN WHEN WHAT WE WOULD DO WOULD BE TO VIOLATE GOOD URBAN PLANNING PRINCIPLES AND ESSENTIALLY DOWN ZONE TO SF 3.

Thomas: COUNCILMEMBER --

Dunkerly: I NEED SOME CLARIFICATION, GREG, I THOUGHT YOU SAID THE NEIGHBORHOOD PLANNING TEAM DID SOME WORK.

THERE MAY BE SUPPORT FROM THE TEAM BUT THE ADJACENT PROPERTY OWNERS HAVE SIGNED A PETITION IN OPPOSITION AND THE SPECIFIC OPPOSITION IS TO CHANGE IT OTHER THAN -- TO A CLASSIFICATION OTHER THAN CS.

Dunkerly: I'M SORRY, I DIDN'T HEAR WHAT YOU SAID, DID THE NEIGHBORHOOD PLANNING TEAM APPROVE IT?

THERE'S SUPPORT FROM THE NEIGHBORHOOD PLANNING TEAM, BUT THE ADJACENT PROPERTY OWNERS SPECIFICALLY ARE OPPOSED TO THE REZONING REQUEST AND IN THIS CASE TO ANY OTHER CLASSIFICATION OTHER THAN THE GENERAL COMMERCIAL SERVICES OR CS CLASSIFICATION. I JUST TALKED TO MISS YBARA OUT IN THE AUDIENCE AND THERE MAY BE A WILLINGNESS TO SOME OF THE PETITIONERS IF IT WERE AMENDED TO BE A TRUE MIXED USE REQUEST THAT THEY MAY WITHDRAW THEIR NAMES FROM THE PETITION BUT WITHOUT HAVING THAT THEY WOULD DESIRE TO LEAVE IT JUST AS COMMERCIAL.

Thomas: MR. HIRSCH?

IF THIS BECOMES TRUE MIXED USE, IT CANNOT BE AFFORDABLE. THAT'S THE DILEMMA. THE -- IF THE CS-MU WERE TO RESULT IN MIXED USE DEVELOPMENT, THEN YOU WOULD PROVIDE RETAIL OR SOME OTHER NONRESIDENTIAL

USE ON GROUND FLOOR AND YOU WOULD PROVIDE THE RESIDENTIAL UNITS ON THE SECOND OR SECOND AND THIRD STORY, WHICH MEANS THAT YOU WOULD HAVE TO ACCESS THEM BY ELEVATOR TO BE COMMERCIAL, WHEN YOU ADD THE ELEVATOR TO A BUILDING ON SUCH A SMALL PIECE OF PROPERTY, WITH THE ECONOMICS OF THE DEVELOPMENT AND THE FACT THAT THE PARKING REGULATIONS TRIGGER PARKING SPACES BASED ON THE NUMBER OF BEDROOMS AS OPPOSED TO TWO PARKING SPACES FOR ONE SIDE OF A DUPLEX OR TWO PARKING SPACES FOR SINGLE FAMILY AND THEN THAT ADDITIONAL PARKING WILL REQUIRE ON SIGHT DETENTION AND OTHER THINGS, THEN YOU COULD END UP WITH MIXED USE. THE CS-MU COULD RESULT IN MIXED USE, BUT THE CONSEQUENCE OF THAT YOU WOULD BE PUTTING HOUSING IN THE COMMUNITY PRESERVATION AND REVITALIZATION ZONE WHICH IS AN AREA THAT THE COUNCIL HAS DIRECTED US TO LOOK AT HOUSING AFFORDABILITY ON, AND THAT IS PART OF THE REASON THAT WE ENTERED INTO THE DIALOGUE WITH THE ZONER AFTER THEY FILED THEIR ZONING CASE BECAUSE ONE OF OUR UNDERSTANDINGS IS WE'RE SUPPOSED TO BE WORKING -- WORKING WITH PROPERTY OWNERS WHO ARE CONSIDERING DOING RESIDENTIAL DEVELOPMENT TO MITIGATE SOME OF THE JENTRIFICATION PRESSURES THAT CURRENTLY EXIST IN THE ZONE, AND THIS IS ONE OF THOSE RARE OPPORTUNITIES TO DO SO. IT'S THE FIRST TIME THAT WE IN THE GOLD VALLEY PLANNING TEAM HAVE AGREED ON A PLAN AMENDMENT AND HAVE AGREED ON A ZONING CHANGE BEFORE YOU IN THE YEARS SINCE THE GO VALLEY PLAN HAS BEEN ADOPTED.

McCracken: YEAH, FOR STARTERS I DO WANT TO CORRECT SOME INACCURACIES IN THAT MR. HIRSCH, UNDER THE NEW PROVISIONS THAT THE COUNCIL HAS APPROVED AND BEING CODIFIED AT THE MOMENT, THEY DO ALLOW FOR SOME GROUND FLOOR RESIDENTIAL AND THEY ONLY REQUIRE THE VERTICAL -- THE COMMERCIAL GROUND FLOOR USES TO BE ON ONE SIDE, AND -- AND ON THAT ONE SIDE ONLY AT 75%, SO YOU COULD HAVE A SCENARIO ON THIS LOT FOR IT TO BE DEVELOPED UNDER THE UNIFIED PLAN TO HAVE GROUND FLOOR RESIDENTIAL ON ONE ENTIRE BLOCK BASED ON GUNTER AND ON 25% OF 7th AND GROUND FLOOR ABOVE

AND YOU DID HAVE YOUR SMART HOWSESSING BE GROUND LEVEL SHOULD THAT BE THE CHOICE AN THEREBY YOU WOULD NOT HAVE TO HAVE THE ELEVATORS. IN FACT THIS IS SOMETHING SPECIFICALLY ADDRESSED AS DEVELOPED VERTICAL MIXED USE PROVISIONS, AND ALSO I DON'T -- I DON'T THINK THAT IT -- THAT THE PURPOSE OF AFFORDABLE HOUSING IS TO CAUSE US TO ABANDON URBAN PLANNING PRINCIPLES AND URBAN PLANNING PRINCIPLES ARE YOU DON'T PUT SINGLE FAYLY ON YOUR MAJOR CORRIDORS, YOU JUST DON'T DO IT, SO I DON'T THINK WE SHOULD BE ABANDONING SOUND URBAN PLANNING AND PUBLIC SAFETY WHEN WE HAVE AN OPPORTUNITY TO DO MIXED AND AFFORDABLE AND FULL RANGE OF HOUSING AND ALSO DO THIS IN THE WAY THAT URBAN PLANNING PRINCIPLES SAY IS THE RIGHT WAY TO DO IT. THAT'S WHERE I'M COMING FROM.

I THINK THE CHALLENGES THAT SMART HOUSING REQUIRES THE 25% OF THE UNITS BE GROUND LEVEL, AND WHEN YOU HAVE A TRACT THIS SMALL, WITH THE ON SITE DETENTION AND THE PARKING REQUIREMENTS THAT WOULD BE TRIGGERED AND YOU HAVE -- IF YOU DEVELOP THIS VERTICAL MIXED USE, YOU WOULD TRIGGER THE COMPATIBILITY SETBACKS, THE ECONOMICS OF THAT WOULD MEAN THAT THE VERTICAL MIXED USE COULDN'T BE AFFORDABLE. IT COULD BE RESIDENTIAL BUT COULDN'T BE AFFORDABLE GIVEN ALL THE THINGS THAT YOU HAVE TO DO WHEN YOU -- WHEN YOU CREATE A MIXED USE DEVELOPMENT AS OPPOSED TO WHAT YOU WOULD DO IF YOU TOOK THIS LOT AND DIVIDED IT INTO ESSENTIALLY TWO SINGLE FAMILY LOTS. AND THAT -- THAT'S NOT JUST ME SPEAKING, THAT IS THE REVIEW STAFF SITTING IN MEETINGS EXPLAINING TO THE APPLICANT HERE IS WHAT YOU HAVE TO DO IF YOU TAKE THIS PIECE OF PROPERTY, ZONE IT CS-MU. CUT IT IN HALF, PUT TWO DUPLEXES ON EACH SIDE, HERE IS WHAT YOU HAVE TO DO, HERE IS THE COST ASSOCIATED WITH IT, AND HERE IS WHAT YOU WOULD HAVE TO DO IF YOU CHOSE TO DO CS-MU EITHER UNDER THE PROPOSED VERTICAL MIXED USE OR UNDER OUR CONVENTIONAL REGULATIONS.

McCracken: I'M A LITTLE CONCERNED AS I HEAR THIS BECAUSE I DO -- I THINK THAT WE NEED TO BE OPERATING IN UNITY FROM THE COUNCIL AND STAFF PERSPECTIVES THAT

WE ARE NOT HAVING ONE PART OF THE STAFF ADVOCATE THAT WE, YOU KNOW, ONE -- YOU KNOW, ONE POLICY GOAL, AND ANOTHER STAFF -- BECAUSE WHAT IS BEING PROPOSED THROUGH -- IN THE SMART LEASE AND THE SMART HOUSING WOULD BE TO PUT SINGLE FAMILY ON 7th STREET WHICH IS NOT GOOD URBAN PLANNING AND IT'S A CHANGE IN THE NEIGHBORHOOD PLAN WHICH IS GOOD URBAN PLANNING. IT DEVIATES WHAT WE'VE DONE FROM SEVERAL INITIATIVES AND DEVIATES FROM TEXAS. SO I DO THINK THAT THERE'S ALWAYS THE ISSUE THAT WE WANT AFFORDABLE HOUSING AND WE WANT IT IN THE RIGHT PLACE AND PUTTING SINGLE FAMILY HOWKING ON ONE OF OUR TWO MAJOR ROADS IN THE AIRPORT IS MY OPINION, THAT'S NOT THE RIGHT PLACE TO PUT SINGLE FAMILY HOUSING WHATEVER THE PRICE, WE DON'T PUT SINGLE FAMILY HOUSING ON OUR MAJOR CORRIDOR, NOT TO MENTION WE HAVE THE VERY EXPENSIVE TAXPAYER FUNDED SIDEWALK FOR 7th STREET THAT WILL BE A NICE STEP FORWARD, THAT IT DESIGNED AND SUPPORTS COMMERCIAL PEDESTRIAN TRAFFIC. SO I'M A LITTLE CONCERNED THAT WE NOT BE IN THE POSITION OF ADVOCATING A -- A DOWN ZONING ON OUR MAJOR CORRIDORS, PARTICULARLY ONE OF OUR TWO MAJOR CORRIDORS AT THE AIRPORT.

Thomas: COUNCILMEMBER KIM?

Kim: I WANTED TO ASK A QUESTION. YOU MENTIONED SOMETHING ABOUT MIXED USE AND IF THERE WAS ANY RESIDENTIAL ABOVE THE FIRST FLOOR THAT THERE WOULD NEED TO BE ELEVATOR, IS THAT ALL OF THE CASE.

THAT'S A FEDERAL LAW, FAIR HOUSING ACT F. YOU'VE GOT FOUR UNITS OR MORE IN A MIXED USE BUILDING AND UNFORTUNATE NO RESIDENTIAL USES ON THE GROUND FLOOR, THEN THE FIRST FLOOR -- THE SECOND FLOOR GETS TREATED AS THE FIRST FLOOR AND WHEN YOU DO THAT, THEN YOU HAVE TO PUT AN ELEVATOR TO AT LEAST THAT FLOOR.

Kim: SO IF THERE IS SOME RESIDENTIAL ON THE FIRST FLOOR AND THERE'S SOME RESIDENTIAL ABOVE THAT, AS LONG AS THOSE FIRST FLOOR RESIDENTIAL WERE ACCESSIBLE, THERE WOULD NOT HAVE TO BE ELEVATORS;

IS THAT RIGHT.

THAT'S POSSIBLE IF YOU CAN MAKE THAT WORK WITHIN THE CONFINES OF YOUR DEVELOPMENT, THAT'S CORRECT.

Kim: OKAY. I JUST WANTED CLARIFICATION ON THAT. COUNCILMEMBERS, I HAVE CONCERNS ABOUT MAKING THIS - - THE WAY THE DESIGNATION WOULD WORK OUT IF WE'RE GOING TO BE USING IT FOR DUPLEXES, BECAUSE WHAT WE'RE SEEING TIME AND TIME AGAIN IS PEOPLE ARE GAINING THE SYSTEM AND USING THE IMPERVIOUS COVER LIMITATIONS UNDER MIXED USE TO DO JUST DUPLEXES AND THAT IS NOT THE INTENT OF MIXED USE, I REALLY THINK IT'S A VALUABLE PIECE OF AREA FOR, AS WELL AS FOR THE AFFORDABLE HOUSING USES TO COME IN THE AREA, THAT THERE NEEDS TO BE TRULY MIXED USE WITH COMMERCIAL WHICH INCLUDES RETAIL AS WELL AS RESIDENTIAL, SO GIVEN THAT THE -- THE OWNERS ARE TRYING TO WORK OUT A AGREE MIEZ MIEZ -- COMPROMISE, AND THERE IS A VALID PETITION, I WOULD SUGGEST THAT WE APPROVE FOR FIRST READING ONLY, SEE IF THEY CAN WORK SOMETHING OUT, BUT I WOULD ONLY SUPPORT THIS IF THERE WAS TRULY MIXED USE AT LEEFERT FOR THIS PART OF IT AND MAYBE WE CAN WORK IT OUT FOR THE ENTIRE BLOCK.

McCracken: I'LL SECOND ON THOSE UNDERSTANDINGS WITH THE SAME EXACT -- THE SAME EXACT USE COUNCILMEMBER KIM HAS ARTICULATED. (ONE MOMENT, PLEASE, FOR CHANGE IN CAPTIONERS...) ONE PERSON IS NOT GOING TO BE ABLE TO DEVELOP THEIR PIECE OF PROPERTY IF WE SAY THAT BOTH OF THESE HAVE TO REMAIN STRICTLY COMMERCIAL. IF YOU ASK ME, THE ONE THAT'S DEVELOPABLE IS THIS PARTICULAR TRACT. SO -- THEN WE ARE SAYING, YOU GET TO DEVELOP, WE GET TO DEVELOP, SOMEBODY LOSES THEIR RIGHT TO DEVELOP, STRICTLY COMMERCIAL PROJECT, WHAT WE ARE ENDING UP WITH ACTUALLY, IF THERE IS A COMPROMISE THAT'S REACHED, IS ACTUALLY A MIXED USE PROJECT. YOU HAVE THE COMMERCIAL PIECE OF PROPERTY, BEING DEVELOPED ALONG 7th STREET AND BEHIND IT YOU HAVE THE RESIDENTIAL USE BECAUSE THE TRACT IN QUESTION HERE ONLY FRONTS, YOU KNOW, ABOUT MAYBE WHAT 25, 30 FEET ON 7th STREET. AND SO THAT'S WHY, YOU KNOW, I'M -- I'M

PARTICULARLY INTERESTED IN MAKING SURE THAT THAT ENTRANCE OR THAT EDGE OF THE RESIDENTIAL USE IS -- MAYBE HAS A MASONRY WALL OR SOMETHING SIGNIFICANT TO SHIELD THAT -- THAT LITTLE CORNER OF THE RESIDENTIAL PROPERTY. BUT I DO THINK WE ARE GETTING A MIXED USE PROJECT. IT'S NOT A VERTICAL MIXED USE PROJECT, BUT THAT'S A FLAW THAT HAS BEEN IN THE SYSTEM EVER SINCE WE CREATED THIS PARTICULAR SMART GROWTH DESIGNATION OF MU IS THAT IT DOES NOT REQUIRE YOU TO DO MIXED USE. JUST ALLOWS YOU TO DO MIXED USE. AND -- SO I WILL BE -- SUPPORTING THIS MOTION. CERTAINLY ENCOURAGING BOTH PARTIES TO FIGURE A WAY TO ACTUALLY DEVELOP THIS AS A MIXED USE PROJECT AND NOT HAVE TO HAVE THE -- THE UP OR DOWN VOTE ON, YOU KNOW, WHICH OF THESE PROPERTY OWNERS ACTUALLY IS GOING TO GET TO DEVELOP AND WHICH ONE IS -- I GUESS IS OUTS OF LUCK. I DO WANT THEM TO WORK IT OUT. IF WE CAN BE ASSISTANCE, I'M CERTAINLY WILLING TO BECOME ENGAGED IN THAT REGARD. THANK YOU, MAYOR PRO TEM.

COUNCILMEMBER LEFFINGWELL?

Leffingwell: FIRST JUST TO MAKE SURE THAT I UNDERSTAND THE MOTION, IT'S TO APPROVE ON FIRST READING, CLOSED PUBLIC READING AND APPROVE ON FIRST READING ONLY CS-MU-CO-NP; IS THAT CORRECT? SO I'M GOING TO SUPPORT THAT MOTION. WE HAVE A CASE HERE WHERE THE STAFF IS RECOMMENDING APPROVAL OF THE PLANNING COMMISSION, RECOMMENDED APPROVAL, BOTH PARTIES ARE RECOMMENDING APPROVAL ON A CONTINGENT BASIS. OF COURSE WE DO, I UNDERSTAND WE DO HAVE URBAN PLANNING PRINCIPLES INVOLVED. THOSE ISSUES WILL HAVE TO BE RESOLVED. THE VALID PETITION MAY OR MAY NOT BE RESOLVED, BUT WE CAN ADDRESS THOSE ISSUES ON SECOND AND THIRD READING. SO I WILL BE SUPPORTING THE MOTION.

Thomas: ANY OTHER DISCUSSION? JUST BEFORE WE CLOSE THE PUBLIC HEARING ON THE FIRST READING, TO BE FAIR TO THE APPLICANT, WE DIDN'T GET HER THE THREE MINUTES REBUTTAL. IF SHE NEEDS IT. IF WE DON'T WE WILL MOVE ON. THAT'S A NO? OKAY. DID YOU -- YOU DIDN'T NEED

THE THREE? ALL RIGHT. MOTION BY COUNCILMEMBER KIM AND SECONDED BY COUNCILMEMBER KIM FIRST READING ONLY ON CS-MU-CO-NP AND ANY -- IF THERE'S NO OTHER DISCUSSION, ANY QUESTIONS, ALL IF FAVOR LET US KNOW BY SAYING AYE.

COUNCIL, YOU ALSO HAVE Z-13 IN FRONT OF YOU WHICH IS THE NEIGHBORHOOD PLAN, SO YOU NEED TO ADDRESS THAT BEFORE YOU ADDRESS THE ZONING. YOU CAN ADDRESS THEM BOTH IN A JOINT MOTION. THAT IS IF THE MOTION IS TO APPROVE BOTH Z-13 AND Z-14 ON FIRST READING, WE CAN DO IT THAT WAY.

SOUNDS GOOD.

COUNCILMEMBERS, AGREE ON COMBINING 13 AND 14. ALL RIGHT THEN. ALL IN FAVOR LET IT BE KNOWN BY SAYING AYE.

AYE.

ANY OPPOSED? MOTION CARRIES ON A 6-0 WITH THE MAYOR OFF THE DAIS. I THINK THAT CLOSES IT MR. GUERNSEY. WE THANK YOU VERY MUCH. AT THIS TIME WE WILL GO INTO THE LIVE MUSIC AND PROCLAMATION. THEN WE WILL COME BACK FOR OUR 6:00 P.M. PUBLIC HEARINGS. THANK YOU.

Thomas: GOOD EVENING, WE ARE GOING TO GET STARTED WITH THE LIVE MUSIC AND PROCLAMATION. TODAY WE HAVE SOMEBODY WELL KNOWN, RUTH THESE FOSTER. LET US JOIN TOGETHER AND WELCOME MS. RUTHIE FOSTER, I'M VERY SORRY, RUTHIE FOSTER, IS A REMARKABLE SONG COMBINED WITH TRADITIONAL GOSPEL AND CONTEMPORARY FOLK AND BLUES. HER SOULFUL VOICE RINGS WITH SPIRITUALITY AND PASSION. FOR LIVE PERFORMANCE, ATTRACTING MUSIC LOVERS OF ALL AGES AND ALL BACKGROUND. A CRITICALLY ACCLAIMED RECENTLY RELEASED STAGED HER TOURING NATIONALLY AND INTERNATIONALLY. RUTHIE HAS TOURED WITH THE U.S. NAVY PRIDE BOAT, PERFORMING AT THE AUSTIN CITY LIMITS FESTIVAL AS WELL -- ALSO AS WELL AS WITH AUSTIN CITY LIMITS PS TV PROGRAM. OFTEN COMPARED WITH MUSIC LEGEND ELLA FITZGERALD AND THE GREAT ARETHA

FRANKLIN, HER POWERFUL VOICE IS ALWAYS UPLIFTED AND GAINED AN AUDIENCE WORLDWIDE. PLEASE JOIN WITH ME WELCOMING RUTHIE FOSTER. [ APPLAUSE ]

THANK YOU. [ (music) SINGING (music)(music) ] [ (music) SINGING (music)(music) ] [ (music) SINGING (music)(music) ] DR. [ APPLAUSE ]

THANK YOU.

Thomas: THE LORD SAYS THAT ARE ANOINTED TO SING THE SONGS THAT YOU DO SING. CAN YOU TELL US WHERE YOU PERFORM NEXT? I KNOW THAT YOU HAVE YOU ARE GOING TO BE IN ONE OF THE PROGRAMS THAT WE ARE GOING TO HAVE IN FEBRUARY, BUT HE WILL US SOMETHING MORE, WE MIGHT CATCH YOU BEFORE FEBRUARY.

WELL, YOU CAN KEEP UP WITH ME WITH MY WEBSITE, [www.ruthiefoster.com](http://www.ruthiefoster.com). I'M PLAYING TONIGHT AT LUCY BOTH HOUSE AT 8:00. 8:00 TO 10:30 TONIGHT. FEBRUARY I'M AT THE SAXON PUB, VALENTINE'S DAY.

LET ME GET -- LET'S -- LET ME READ THE PROCLAMATION.

THE PROCLAMATION READS BE IT KNOWN WHEREAS THE LOCAL MUSIC COMMUNITY MAKES MANY CONTRIBUTIONS TOWARD THE DEVELOPMENT OF AUSTIN'S SOCIAL AND ECONOMIC AND CULTURAL DIVERSITY AND WHEREAS THE DEDICATION EFFORTS OF ARTISTS FURTHER AUSTIN'S STATUS AT THE LIVE MUSIC CAPITAL OF THE WORLD. NOW, THEREFORE WILL WYNN, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HEREBY PROCLAIM JANUARY THE 26th, 2006, AS -- AS RUTHIE FOSTER DAY. THANK YOU FOR COMING. [ APPLAUSE ]

THAT ENDS OUR LIVE MUSIC. NOW WE GO TO OUR PROCLAMATIONS. I WANT TO MAKE SURE COUNCILMEMBER LEFFINGWELL IS STILL HERE. THREE PROCLAMATIONS, COUNCILMEMBER LEFFINGWELL WILL DO THE LAST PROCLAMATION DEALING WITH POVERTY MONTH. IT IS A PRIVILEGE FOR ME TO PRESENT THIS PRACTICE NATION TO THIS PARTICULAR YOUNG LADY BECAUSE IT SHOWS THAT SHE HAS DONE A LOT OF HARD WORK DEALING WITH THE

ENVIRONMENT AND THE SPECIAL AND ENDANGERED SPECIES ACT THAT SHE'S VERY ACTIVE AND HAS SERVED WITH THE CITY OF AUSTIN AND HAS DONE AN EXCELLENT JOB. READING IT, IT SAYS THE CITY OF AUSTIN DISTINGUISHED SERVICE AWARD FOR HER CAREER AS A BIOLOGIST WITH THE UNITED STATES FISH AND WILDLIFE SERVICES AND IN PARTICULAR FOR HER HARD WORK ON BEHALF OF THE CITY OF SYBIL VOSLER IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION. SYBIL VOSLER HAS SERVED THE CITY OF AUSTIN AND OTHER PARTNERS IN THE BARTON SPRINGS -- NO -- BALCONES, EXCUSE ME, BALCONES CANYON LAND CONSERVATION PLAN SINCE BEFORE ITS INCISION [SIC]. HER VISION, INITIATIVE AND LEADERSHIP HAVE HELPED PRESERVE HABITAT AND PROTECT EIGHT DIFFERENT ENDANGERED SPECIES IN A MATTER OF CONSISTENCY WITH THE ENDANGERED SPECIES ACT. WHILE PROVIDING FOR CONTINUED ECONOMIC GROWTH AND PROVISION OF PUBLIC SERVICE FOR AUSTIN'S CITIZENS, THIS CERTIFICATE IS PRESENTED AND -- IN ADMIRATION AND APPRECIATION FOR HER DEDICATION AND COMMITMENT THIS 26th DAY OF JANUARY, IN THE YEAR OF 2006. IT'S SIGNED BY MAYOR WILL WYNN, NAMES ATTACHED TO THIS DISTINGUISHED SERVICE AWARD IS MAYOR PRO TEM DANNY THOMAS, COUNCILMEMBERS LEE LEFFINGWELL, COUNCILMEMBERS RAUL ALVAREZ, COUNCILMEMBER JENNIFER KIM, COUNCILMEMBER BETTY DUNKERLY, ALSO EXAM. THANK YOU VERY MUCH FOR YOUR HARD WORK. YOU CAN HAVE A WORD. [ APPLAUSE ]

GEE, I DON'T KNOW WHAT TO SAY ABOUT THIS. THIS IS THE KIND OF AWARD WE SHOULD BE GIVING TO THE CITY. IT'S THE CITY WHO WORKED SO HARD ON ALL OF THIS. I HELPED WITHOUT THE SUPPORT OF THE MAYOR AND THE STAFF MEMBERS. AND INCLUDING LILI CONRADT SITTING BACK THERE. HE SAID THAT HE WOULD JUST WE HAVE AT ME. ALL OF THESE PEOPLE WORKED SO HARD. THE CITY IS GOING TO HAVE THE BALCONES PRESERVE THERE TO APPRECIATE FOR MANY, MANY YEARS TO COME BECAUSE OF ALL OF THESE PEOPLE AND THANK YOU. THANK YOU FOR THE PROCLAMATION.

THANK YOU. FOR THE NEXT DISTINGUISHED SERVICE AWARD, I WAS WONDERING IF WE HAD AN EMERGENCY CALL

BECAUSE WE HAVE ALL E.M.S. HERE, AS WE KNOW THIS IS A DISTINGUISHED SERVICE AWARD FOR THE SENIOR DIVISION COMMANDER CLANCY TERRILL.

IT IS A PLEASURE FOR ME TO PRESENT THIS BECAUSE I KNOW HOW IMPORTANT YOUR JOB IS, HOW IMPORTANT YOUR JOB WAS, ALSO I KNOW HOW IMPORTANT E.M.S. DEPARTMENT THAT WE HAVE IN THE CITY OF AUSTIN. WHICH WE HAVE ONE OF THE GREATEST ONES IN THE NATION. CAN WE AGREE TO THAT? [ APPLAUSE ] DISTINGUISHED SERVICE AWARD READS: I WILL LET EVERYBODY GET IN PLACE.

Futrell: WE ARE GOING TO BRING EVERYBODY DOWN.

Y'ALL ARE LOOKING MIGHTY SHARP. MIGHTY SHARP. THE QUISHED SERVICE AWARD -- DISTINGUISHED SERVICE AWARD FOR MORE THAN 20 YEARS OF DEDICATED SERVICE TO THE CITIZENS OF AUSTIN, FIRST AS A MEMBER OF THE AUSTIN EMERGENCY MEDICAL SERVICE, THEN OF THE AUSTIN-TRAVIS COUNTY E.M.S. SERVICE, SENIOR DIVISION COMMANDER CLANCY TERRILL IS DESERVING OF PUBLIC ACCLAIM AND RECOGNITION, HIS E.M.S. CAREER HAS BEEN -- HAS BEEN MARKED BY DEDICATION AND A VISION TO PRESERVE LIFE AND IMPROVE HEALTH, PROMOTE SAFETY. HIS LEADERSHIP HAS BEEN INSTRUMENTAL IN STRENGTHENING THE BONDS WITHIN OUR COMMUNITIES AND BRINGING AND ENHANCEMENTS AND PROFESSIONALISM TO THE EMERGENCY MEDICAL SERVICE PROVIDERS. THIS CERTIFICATE IS PRESENTED WITH OUR ADMIRATION AND APPRECIATE WRAITION FOR THE SERVICE - - APPRECIATION FOR THE SERVICE TO OUR COMMUNITY, THIS 26th DAY OF JANUARY, AND IN THE YEAR 2006, IT'S SIGNED BY THE MAYOR, MAYOR WILL WYNN, MAYOR PRO TEM DANNY THOMAS AND NAMES ALSO ATTACHED WILL BE THE COUNCILMEMBERS LEFFINGWELL, RAUL ALVAREZ, JENNIFER KIM, BETTY DUNKERLY AND BREWSTER MCCRACKEN. I'M GOING TO ALLOW OUR GREAT CITY MANAGER TO HAVE A WORD OR TWO BEFORE WE PRESENT THIS TO YOU, ALL RIGHT? ALL RIGHT.

OKAY.

Futrell: WELL, CLANCY IS JUST ONE OF THE OWE OVER THE

MANY FOLKS WE ARE LOSING THAT ARE THE HEART AND SOUL OF THE CITY OF AUSTIN. WHEN YOU THINK OF E.M.S., THIS IS ONE OF THE GUYS THAT YOU THINK ABOUT. HE'S THE BACKBONE OF THE SYSTEM. HE'S THE PASSION AND THE HEART OF THIS SYSTEM AND EVERY ONE OF THESE GUYS AND WOMEN BEHIND ME CAN SAY SOMETHING BETTER I CAN ABOUT HIM. IN FACT I WISH THAT I COULD THINK OF THE RIGHT ONE. TO COME UP. [LAUGHTER] WHO SHOULD VOLUNTEER.

CASEY. [LAUGHTER]

Futrell: COME ON CASEY, COME ON. THERE WE GO.

I DON'T KNOW HOW I GOT VOLUNTEERED MAYBE BECAUSE WHEN I CAME INTO THIS SYSTEM, AS A PARAMEDIC, HAD BEEN A PARAMEDIC FOR A WHILE, THEY SAID WHERE DOES CASEY NEED TO GO, THEY SAID TO CLANCY [LAUGHTER] SO I ENTERED MY CAREER WITH THE CITY WITH CLANCY AND CERTAINLY EVERYTHING THAT'S BEEN SAID IS CORRECT. THE TUTELEGE HAS BEEN INSTRUMENTAL FOR A LOT OF PROVIDERS, CERTAINLY THE EFFORT TO TAKE THIS ORGANIZATION WHERE WE HAVE TAKEN IT TO, WILL CERTAINLY NOT BE FORGOTTEN. WE APPRECIATE ALL OF THE TIME AND EFFORT HE'S MADE FOR US. [APPLAUSE]

Thomas: WE PRESENT THIS DISTINGUISHED SERVICE AWARD. WE THANK YOU FOR YOUR SERVICE AND BLESS YOU ON YOUR TIME TO DO WHATEVER [LAUGHTER] BUT WE THANK YOU FOR YOUR SERVICE. WE WILL GIVE YOU AN OPPORTUNITY TO SPEAK NOW.

OKAY. THAT WAS A MISTAKE.

WELL, I NORMALLY HAVE A LITTLE POEM AND THEN I START CRYING A LOT [LAUGHTER] THE LAST THING THAT I'M GOING TO DO IS SATISFY THEM WITH THAT. SO -- SO I TOLD MY WIFE I WASN'T GOING TO SAY MUCH SO I'M GOING TO MAKE SURE THAT THAT'S EXACTLY WHAT I DO. THE OTHER NIGHT THEY HAD A LITTLE PARTY FOR ME, IT WAS A SURPRISE PARTY. BUT AT THE END, THEY THINK I DON'T REMEMBER THIS BECAUSE THEY THOUGHT THAT I WAS A LITTLE BIT UNDER THE WEATHER, [LAUGHTER], BUT THE LAST THING THAT I

WANTED TO TELL THEM WAS THAT WHEN A PERSON LEAVES, HE WOULD LIKE TO THINK THAT THEY WOULD LIFT HIM UP ON HIS SHOULDERS, LIFT THEM UP ON THEIR SHOULDERS AND CARRY THEM OUT JUST LIKE AT A FOOTBALL GAME. BUT WHAT I'VE DISCOVERED IS THAT THEY CARRIED ME ON THEIR SHOULDERS FOR A LONG TIME. I'VE LEARNED MORE FROM THEM THAN THEY WILL EVER LEARN FROM ME. AND I APPRECIATE IT. THANK YOU. [ APPLAUSE ]

Thomas: OUR NEXT DISTINGUISHED SERVICE AWARD WOULD GO TO MR. JAMES HILL. WELL, IT'S TRULY AN HONOR AND A PRIVILEGE TO PRESENT THIS DISTINGUISHED SERVICE AWARD TO MR. JAMES HILL. WHAT DO THEY CALL YOU, TINK?

TINK.

ALMOST, MR. JAMES "TINK" HILL. HE HAS BEEN VERY INSTRUMENTAL IN SERVING ON THE AUSTIN HUMAN RIGHT COMMISSION. WHICH HAVE SERVED AND WAS VERY -- DID AN EXCELLENT JOB, YOU WILL BE WELL MISSED. THIS DISTINGUISHED SERVICE AWARD SAYS FOR HIS COMMITMENT, COLLABORATION, EFFORTS AND VALUABLE INPUT AS A MEMBER OF THE AUSTIN HUMAN RIGHTS COMMISSION, JAMES "TINK" HILL IS DESERVING THE PUBLIC ACCLAIM AND RECOGNITION. THIS CERTIFICATE IS ISSUED IN ACKNOWLEDGMENT AND APPRECIATION FOR HIS DEDICATED SERVICE FOR THE -- FOR THE PAST 16 YEARS. THAT IS A LONG TIME NOW PEOPLE. MR. HILL HEADED THE AUSTIN HUMAN RIGHTS COMMISSION FOR SEVERAL YEARS WITH A -- WITH AN ADVOCATE FOR ALL CITIZENS REGARDLESS OF RACE, COLOR, RELIGION, NATIONAL ORIGIN, SEX, AGE OR DISABILITY. WE JOIN HIS FELLOW COMMISSION MEMBERS IN HONORING HIM THIS 26th DAY OF JANUARY OF THIS YEAR OF 2000, OF THE -- THE CITY COUNCIL OF AUSTIN, TEXAS, IT'S SIGNED BY MAYOR WILL WYNN, NAMES ATTACHED MAYOR PRO TEM THOMAS, COUNCILMEMBERS LEE LEFFINGWELL, RAUL ALVAREZ, JENNIFER KIM, BETTY DUNKERLY AND BREWSTER MCCrackEN. MR. HILL, THANK YOU VERY MUCH. YOU CAN HAVE A WORD. [ APPLAUSE ]

THANK YOU, MAYOR PRO TEM, THANK YOU CITIZENS OF AUSTIN. I WOULD LIKE TO SAY A COUPLE OF THINGS. ONE IT

HAS REALLY BEEN A -- A PRIVILEGE TO SERVE HERE IN AUSTIN. I'M A NATIVE AUSTINITE. NOT MANY PEOPLE CAN SAY THAT. MY PEOPLE WERE ORIGINALLY BROUGHT HERE, CAN'T CHASE THEM BEFORE THE AUCTION BLOCK IN NEW ORLEANS, BUT SOLD AS SLAVES, TAKEN UP INTO WHAT IS NOW OKLAHOMA TERRITORY AND THEN BROUGHT DOWN HERE BEFORE IT WAS AUSTIN. SO I'M A FIFTH GENERATION PERSON FROM THIS AREA. I HAVE THE PRIVILEGE OF KNOWING MY GREAT GRANDMOTHER, SHE DIED WHEN I WAS SIX. SHE WAS TWO WHEN THE SLAVES WERE FREED HERE IN TEXAS, WE ARE KIND OF DYED IN THE WOOL CENTRAL TEXAS. I'M GOING TO TELL YOU ONE OF THE GREATEST THINGS, ONE OF THE GREATEST JOYCE OF MY LIFE HAS BEEN ABLE TO SERVE HERE IN THE CITY. THEY HAVE A REALLY WONDERFUL CITY. I'VE BEEN A LOT OF PLACES, A LOT OF PLACES AROUND THE COUNTRY, A LOT OF PLACES OUTSIDE THIS COUNTRY AND THE ABILITY TO PARTICIPATE IN OUR GOVERNMENT HERE IS SOMETHING THAT IS RARE AND SPECIAL. I URGE ANY OF YOU. I THINK ABOUT 60 BOARDS AND COMMISSIONS, YOU CAN CONTRIBUTE TO THIS COMMUNITY AND MAKE IT A BETTER PLACE. WE HAVE AN EXCELLENT CITY STAFF. CITY STAFF IS OFTEN OVERLOOKED. THE EMERGENCY SERVICES PEOPLE, ADMINISTRATIVE PEOPLE THAT SUPPORT PEOPLE, EXCELLENT, EXCELLENT PEOPLE, WE HAVE GREAT ACCESS TO THEM. ONE OF THE THINGS THAT'S BROADCAST ON ACCESS TELEVISION. YOU KNOW I LIVE IN SOUTHERN CALIFORNIA FOR A WHILE, TWO YEARS BEFORE I COULD FIND OUT WHO WAS IN CHARGE OF ANYTHING. HERE WE HAVE THIS SORT OF OPEN ACCESS. I URGE YOU TO TAKE ADVANTAGE OF IT AND TO PARTICIPATE TO BE A PART OF THIS. IT'S A WONDERFUL THING, HELPS US BUILD OR COMMUNITY, HELPS HAVE A GREAT COMMUNITY AND IT WILL TAKE US INTO THE FEATURE AS ONE OF THE GREAT CITIES IN THIS NATION, I THANK YOU ALL. [ APPLAUSE ]

Thomas: COUNCILMEMBER LEFFINGWELL. AFTER WE GET THROUGH WITH COUNCILMEMBER LEFFINGWELL'S PROCLAMATION, WE WILL RETURN AT 6:00 P.M. FOR OUR PUBLIC HEARING.

THANK YOU, MAYOR. IT'S MY PLEASURE TO -- TO READ THIS PROCLAMATION. TO -- TO -- ESPECIALLY SINCE THIS IS

NATIONAL POVERTY MONTH AND THIS GROUP FROM THE BASIC NEEDS COALITION, MEMBERS OF THE AUSTIN AREA HUMAN SERVICES ASSOCIATION, WITH WHOM I HAVE HAD A FAIRLY LONG RELATIONSHIP. AND NOT JUST AS A CITIZEN BUT AS A CHAIR OF THE CITY COUNCIL'S SUBCOMMITTEE ON PUBLIC HEALTH AND HUMAN SERVICES. IT'S MY GREAT PLEASURE TO PRESENT THIS PROCLAMATION TO SUSAN EASON WHO IS THE EXECUTIVE DIRECTOR OF ARCH OF TEXAS. AND THE PROCLAMATION READS AS FOLLOWS: BE IT KNOWN THAT WHEREAS AN ESTIMATED 10,675 -- 106,765 RESIDENTS WERE LIVING IN POVERTY IN 2004, WITH 58% OF AISD STUDENTS CONSIDERED ECONOMICALLY DISADVANTAGED AND HE WILL LIBERAL FOR FREE -- ELIGIBLE FOR FREE AND REDUCED LUNCH, WHEREAS PERSONS WITH DISABILITIES ARE EVEN MORE VULNERABLE TO POVERTY, 1 POUND 5 TIMES AS LIKELY TO LIVE IN POVERTY WHILE THOSE WITH A MENTAL DISABILITY ARE TWO TIMES AS LIKELY TO LIVE IN POVERTY AND WHEREAS THE COST OF LIVING IN THE AUSTIN AREA IS SIGNIFICANTLY HIGHER THAN THE RECOGNIZED POVERTY LEVEL REQUIRING FATALITIES FAMILIES TO HAVE TWO TO THREE TIMES MORE INCOME TO BE ABLE TO AFFORD BASIC MONTHLY EXPENSES. NOW I THEREFORE, I WILL WYNN, SPEAKING FOR THE MAYOR, OF COURSE, MAYOR OF THE CITY OF AUSTIN, TEXAS, DO HEREBY PROCLAIM FEBRUARY 2006 AS POVERTY AWARENESS MONTH. AND IT'S SIGNED BY WILL WYNN, MAYOR OF THE CITY OF AUSTIN. I WOULD LIKE TO ASK SUSAN TO COME FORTH AND INTRODUCE HER COLLEAGUES TO US, SAY A FEW WORDS IF SHE WOULD LIKE.

THANK YOU VERY MUCH, COUNCILMEMBER LEFFINGWELL AND ALSO I WANT TO INTRODUCE THE PEOPLE STANDING BEHIND ME. I GUESS I DON'T NEED TO INTRODUCE YOU. [LAUGHTER] SAM [INDISCERNIBLE] THE DEPUTY DIRECTOR OF THE COMMUNE ACTION NETWORK. ELLEN, EXECUTIVE DIRECTOR OF ANY BABY CAN. LEHMANNFORD DIRECTOR OF AIDS SERVICES OF AUSTIN. AND DAN PREWITT PRESIDENT AND C.E.O. OF MEALS ON WHEELS AND MORE. WE ARE DELIGHTED TO ACCEPT THIS AWARD FOR NATIONAL POVERTY AWARENESS MONTH. THE BASIC NEEDS COALITION IS A COLLABORATION OF 30 -- MORE THAN 30 PRIVATE -- NON-PROFIT AGENCIES, FAITH BASED

ORGANIZATIONS AND GOVERNMENT PROVIDERS WHO CAME TOGETHER WITH THE SOLE GOAL OF TRYING TO MAKE OUR SYSTEM OF BASIC NEEDS MORE ACCESSIBLE AND LESS FRAGILE FRAGMENTED. WE HAVE BEEN CONDUCTING A SERIES OF ACTIVITIES, THIS MONTH, POVERTY AWARENESS, YOU CAN GET MORE INFORMATION ABOUT OUR WORK BY GOING TO OUR WEBSITE AT [www.basicneeds-CTX.org](http://www.basicneeds-CTX.org). WE ARE DELIGHTED THAT THE COUNCIL HAS RECOGNIZED OUR EFFORTS AND WITH 107,000 PEOPLE IN OUR COMMUNITY LIVING IN POVERTY, WE FEEL THAT A LOT OF LIGHT NEEDS TO BE SHED ON THIS ISSUE. WE THANK YOU VERY MUCH FOR THIS RECOGNITION. [ APPLAUSE ]

Thomas: ALL RIGHTY. WE ARE GOING TO GET STARTED ON THE 6:00 PUBLIC HEARING AND POSSIBLE ACTION. STARTING OUT WITH TESTIMONY NUMBER 67 TO CONDUCT A PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDMENT. WE ARE GOING TO MOVE BACK OFF OF 67 BECAUSE STAFF IS NOT READY. BUT MY UNDERSTANDING THAT -- THAT I DON'T KNOW IF STAFF MIGHT BE READY? NEED SOME TIME?

I WOULD LIKE TO SPEAK TO THE POSTPONEMENT ITEMS ON THE WATERSHEDS?

68?

YES, POSTPONED UNTIL FEBRUARY 9th IN ORDER TO DO APPROPRIATE NOTIFICATION.

Thomas: OKAY. SO WE HAD MOVED TO 68. SO YOU COULD --

LET ME MAKE SURE THAT I HAVE THAT AGENDA ITEM CORRECT.

I BELIEVE MR. MURPHY WAS TALKING ABOUT A DIFFERENT ITEM.

I APOLOGIZE, IT WAS ITEM 67. IT'S BEEN A LONG DAY.

Thomas: OKAY. SO ARE YOU ASKING FOR A POSTPONEMENT ON NUMBER 67 FOR A MONTH; IS THAT WHAT YOU ARE SAYING?

UNTIL FEBRUARY 9th.

FEBRUARY 9th. ALL RIGHTY. STAFF IS ASKING FOR A POSTPONEMENT UNTIL FEBRUARY THE 9th. ON ITEM 67. MOVED BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER LEFFINGWELL. ANY QUESTIONS, ANY OTHER DECISIONS -- DISCUSSION? IF NOT, LET IT BE KNOWN BY SAYING AYE.

AYE.

ANY OPPOSITION? MOTION PASSES ON A 4 - -- CORRECTION, 5-0 WITH COUNCILMEMBER KIM -- COUNCILMEMBER KIM OFF THE DAIS AND THE MAYOR WYNN OFF THE DAIS. ITEM 68? POSTPONEMENT ON THAT FOR A MONTH, TOO.

YES, MAYOR PRO TEM. THE APPELLATANT REQUEST A ONE-WEEK POSTPONEMENT ON ITEM 68.

Thomas: OKAY. WE ARE BATTING 100, OKAY. ALL RIGHT. FOR HOW LONG?

ONE WEEK.

ONE WEEK. POSTPONEMENT FOR ONE WEEK ON ITEM 68. IT'S THERE A MOTION ON THAT? THEN MOVED BY COUNCILMEMBER MCCRACKEN, SECONDED BY COUNCILMEMBER ALVAREZ. ANY QUESTIONS? ANY OTHER DISCUSSION? IF NOT, LET IT BE KNOWN BY SAYING AYE. ANY NAYS? MOTION PASSES ON A VOTE OF 5-0, WITH COUNCILMEMBER KIM OFF THE DAIS AND MAYOR WILL WYNN OFF THE DAIS. WELL, ITEM 69? I DON'T THINK WE ARE THAT LUCKY.

ALL RIGHT.

WE ARE GOING TO CONDUCT A PUBLIC HEARING. STAFF IS -- GOING TO DO THE PRESENTATION.

I'M GOING TO DO A SHORT PRESENTATION MAYOR AND COUNCIL. MY NAME IS PATRICK MURPHY WITH THE WATERSHED PROTECTION DEVELOPMENT AND REVIEW DEPARTMENT. WE ARE RETURNING TO YOU ON A

RESOLUTION THAT WAS PASSED ON OCTOBER 27th, BY COUNCIL. THAT WAS DIRECTING THE CITY MANAGER TO BASICALLY GO -- TAKE SUCH STEPS THAT ARE NECESSARY TO INITIATE A PROCESS OF A CODE CORRECTION REGARDING APPLICATION OF WATERSHED WELLET, IMPERVIOUS -- WATER QUALITY, SITE PLAN APPLICATIONS. WE HAVE BEEN TO THE ENVIRONMENTAL BOARD AND WE HAVE BEEN TO THE PLANNING COMMISSION. BOTH OF THOSE BODIES UNANIMOUSLY RECOMMENDED THE PROPOSED AMENDMENT THAT WE HAVE BEFORE YOU TODAY. THE AMENDMENT FAIRLY SIMPLY STATES THAT THE IMPERVIOUS COVER REQUIREMENTS OF THE WATERSHED IMPERVIOUS COVER SUBCHAPTER DOES NOT RESTRICT IMPERVIOUS COVER ON A SINGLE FAMILY OR DUPLEX LOT, BUT APPLIES TO THE SUBDIVISION AS A WHOLE. THE CITY'S WATERSHED REGULATIONS ARE ENFORCED FOR SINGLE FAMILY THROUGH SUBDIVISIONS AND ARE WORKING VERY WELL IN THE NEWER SUBDIVISIONS AREAS OF THE CITY WHERE -- THIS I GUESS WHAT YOU MIGHT SAY THE SUBURB AREAS WHERE WE ARE CREATING SUBDIVISIONS WHERE THEY COMPLY ON AN OVERALL BASIS. THE IMPERVIOUS COVER ON THOSE SUBDIVISIONS BASICALLY DRIVES A NUMBER OF LOTS THAT CAN BE YIELDED AT ANY GIVEN SUBDIVISION. THE MORE RESTRICTIVE IMPERVIOUS COVER THE FEWER LOTS THAT YOU CAN OBTAIN ON A PIECE OF LAND. THAT IS BASICALLY WHAT THE RESULT IS OF APPLYING THE WATERSHED REGULATION, IMPERVIOUS COVER LIMITS. THERE ARE NO WATERSHED REGULATIONS IN THE IMPERVIOUS COVER LIMITS IN THE URBAN WATERSHEDS, HOWEVER. I HAVE GOT AN EXHIBIT HERE IF WE COULD BRING IT UP. I HOPE THAT YOU COULD SEE THAT. THERE HAS BEEN A LOT OF DISCUSSION ABOUT THE McMANSION PROBLEM IN THE TARRYTOWN AREA. IN FACT THAT IS WHAT INITIALLY A LETTER FROM THE WEST AUSTIN NEIGHBORHOOD GROUP IS WHAT INITIALLY STARTED THIS QUESTION. THE REASON THAT I WANTED TO SHOW YOU THIS MAP IS THE URBAN CORE AREA AND THE AREA WHERE YOU HEARD MR. GUERNSEY EARLIER THIS MORNING TALKING ABOUT WHERE THIS IS AN ISSUE, WHERE WE ARE HAVING THESE LARGE HOUSES BEING BUILT AND EXISTING OLDER NEIGHBORHOODS IS REALLY A LOT OF THAT AREA IS URBAN WATERSHEDS WITH NO IMPERVIOUS COVER LIMIT. THE

TAYLOR SLEW WATERSHED IN THE TARRYTOWN AREA CERTAINLY DOES TODAY HAVE AN IMPERVIOUS COVER WATERSHED LIMIT THAT WOULD BE ENFORCED FOR A NEW SUBDIVISION. BUT IF WE WERE TO TRY TO ENFORCE OUR REGULATIONS ON A SINGLE FAMILY LOT BY LOT BASIS FOR BUILDING PERMITS, YOU CAN SEE THAT THE EFFECT WOULD REALLY BE ONLY TO ADDRESS A SMALL AREA OF TARRYTOWN IN THAT EXAMPLE, CERTAINLY A SMALL AREA OF THE URBAN CORE. SO THE ENVIRONMENTAL BOARD AND PLANNING COMMISSION IN LISTENING TO OUR TESTIMONY AND TO -- TO SOME SPEAKERS THAT SIGNED UP TO SPEAK AGREED WITH STAFF THAT THE WATERSHED IMPERVIOUS COVER LIMITS APPLYING TO INDIVIDUAL SINGLE FAMILY LOTS RATHER THAN APPLYING TO SUBDIVISIONS WAS NOT THE APPROPRIATE TOOL TO DEAL WITH THIS ISSUE AND SO THEREFORE THEY RECOMMENDED THIS FOR YOUR APPROVAL. AND WITH THAT I WILL STOP FOR QUESTIONS IF YOU HAVE ANY AND THERE MAY BE SOME SPEAKERS SIGNED UP AS WELL. THANK YOU.

Thomas: COUNCIL, DO YOU HAVE ANY QUESTIONS FOR STAFF AT THIS POINT? MS. BROWN, DO WE HAVE ONE SPEAKER?

Clerk Brown: [INDISCERNIBLE]

MR. WIN MORAIRITY.

Thomas: I DON'T SEE HIM PRESENT. ANYONE ELSE THAT HAS SIGNED UP THAT WOULD LIKE TO SPEAK ON ITEM 69? ALL RIGHT. ANY OTHER QUESTIONS FROM STAFF? ANY MOTION?

McCracken: I'LL MOVE TO CLOSE THE PUBLIC HEARING AND APPROVE ITEM 69.

Thomas: MOTION BY EXAM AND SECONDED BY COUNCILMEMBER KIM. ANY OTHER QUESTIONS, ANY OTHER DISCUSSIONS ON THIS ITEM? IF NOT, LET IT KNOWN BY SAYING AYE TO APPROVAL. ANY OPPOSED? MOTION PASSES ON 6-0 WITH MAYOR WILL WYNN OFF THE DAIS. IS THERE ANY MORE ITEMS FOR TONIGHT?

THANK YOU.

THANK YOU, STAFF. THANK YOU, COUNCIL. THAT -- THAT  
CONCLUDES OUR MEETING FOR TONIGHT. THANK YOU.

## **End of Council Session Closed Caption Log**